and N.R.E.P. programme have been shelved on the plea that they have no money to start the work. They simply pass on the buck on the Central Government stating the money is not provided.

Sir, I come from a place which is chronically drought affected area. Our demand for upper Bhadra project is the only solution for the agony of the people. This project if taken will give relief to the five districts irrigating over a million acres of land besides drinking water covering about 30 lakhs of people.

Sir, through you, I would request the Government to depute a Central Team to make on-the-spot study of the severity of the drought and rush immediately help to the suffering people. Sir, once again I would like to emphasise that Uppar Bhadra project is the only solution for the severely drought affected area of this part of Karnataka.

THE UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL, 1984.

MR. DEPUTY CHAIRMAN: Now we take up Bills for consideration and passing. The University Grants Commission (Amendment) Bill, 1984. The Education Minister, please.

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Mr. Deputy Chairman, Sir, I rise to move:

> "That the Bill further to amend the University Grants Commission Act, 1956, be taken into consideration."

There are two major provisions which we have proposed in this Bill. With your permission, Sir, I would like to explain briefly the nature and scope of these two major provisions. As the House is aware, the University Grants Commission was established in 1956 as a statutory body to make provision for coordination and determination of standards in universities. The Commission is charged with the duty to take, in consultation with the universities and other bodies concerned all such steps as it may think fit for the promotion and coordination of university education, for the determination and maintenance of standards of teaching, examination and research in the universities. For the purpose of performing these functions the Commission is empowered to enquire into the financial needs of the universities and to allocate and disburse grants to them.

The number of universities has steadily increased during the last 30 years. We have 124 universities at present. The cost of equipping these universities with facilities on an adequate scale for the maintenance of reasonable level of standard has also been going up steadily. With the rapid advances in science and technology and the increasing sophistication and modernisation of research facilities, it is becoming more and more difficult to ensure that every university is self-sufficient in the matter of necessary facilities. It should, therefore, be possible that certain costly and sophisticated facilities for advanced study and research are provided at a place which can with advantage, be shared by a group of universities. However, the establishment of such facilities requires that institutions are also set up in collaboration with a number of universities to manage and maintain them. If such facilities are established with a separate management, independent of any particular university, it would be possible to ensure that the participating universities can draw upon these facilities according to their needs. But the UGC Act, as it stands at present, does not permit the Commission to sanction grants to any institution other than a university as defined in the Act. In order to enable the Commission to establish such facilities and

[Smt. Sheila Kaul]

to maintain them out of the funds of the Commission, we are making a provision in the UGC Act through this amendment. There are a number of fields in which such common facilities could be more useful and economical. For example, regional computer centres, regional library and documentation centres and regional instrument centres, if established, could provide valuable facilities, specially in areas and regions where a number of universities are presently functioning without adequate facilitiesfl Similarly the Commission has a proposal to establish a nuclear centre to enable university scientists to undertake research programmes in this emerging and important field. There are, in addition, proposals like setting up of a national testing organisation which can bring about a measure of comparability among the degrees awarded by different universities. A service like this, if adequately developed, can also be assigned the responsibility for holding admission test and selection of students for award of scholarships, fellowships and so on. It is also possible to develop such an organisation as an agency for holding examinations for recruitment of teachers at the national level. These are some of the possibilities that the amending provision will enable the University Grants Commission to consider and implement.

The second major amendment relates to the collection of fees by institutions of higher education. As the hon. Members are aware, we have in the recent past witnessed a very unhealthy situation developing in our country in which a number of professional colleges are being set up in different parts of the country, collecting substantial amounts as capitation fees.

It is unfortunate that in this process education should degenerate into a mere commercial enterprise. Honourable Members from all sections of this House have expressed themselves very strongly against this practice. In fact, I have had occasion to assure the House that we are committed to consider ways and means to eradicate this practice from our educational system. The amendment before you seeks to fulfil this assurance. The proposal before you is to insert a new section in the UGC Act which would enable the UGC to specify the matter in respect of which fees can be charged by a college. It will also enable the Commission to prescribe the scale of fees in accordance with which fees can be levied by colleges in relation to a course of study. The details will be specified by the Commission through regulations to be framed for the purpose. We have given very careful thought to the question of ensuring that no college charges any fees other than those specified in the regulations or in excess of the scales prescribed in them. In case any college is found to be violating these regulations we have proposed that after an inquiry such a college should be prohibited from sending students for university examinations and that it would stand disaffiliated for a period of three years. These penal provisions would be imposed only after conducting an inquiry and giving reasonable opportunity of being heard to the college concerned. The Central Government's approval is also necessary to impose these penalties. In order to protect the interests of the students who might become innocent victims of unscrupulous managements we have made a provision that the Commission should take all steps as it may consider appropriate for securing them admission in other recognised colleges. We have also made a provision that any university which violates these provisions or fails to comply with the recommendation made by the Commission in this behalf, shall stand disqualified from receiving any grant from the Commission as laid down in Section 14 of the UGC Act. It could be argued that these provisions do not go far enough. However, with-

in the existing constitutional and legal system we have made an attempt to make reasonable provisions which, in our view, should be a disincentive against the practice of collecting capitation fee.

There are also a few formal amendments in the Bill which seek to give effect to the recommendations of the Committee on Subordinate Legislation according to which provision should be made in the Act to give retrospective effect to the rules and regulations framed under the Act. This is only an enabling provision so that in cases where retrospective effect to a rule is necessary, the relevant rule can be applied retrospectively. We have also made a provision that all rules and regulations framed under the principal Act should be placed before both Houses of Parliament in the manner recommended by the Committee on Subordinate Legislation. It is my earnest hope that the provisions of the amending Bill will receive the wholehearted support of the House. With these words I move that the UGC (Amendment) Bill 1984 be taken into consideration.

The question was proposed.

MR. DEPUTY CHAIRMAN: There is one amendment by Mr. Malaviya for reference of the Bill to a Joint Select Committee. But Mr. Malaviya is not here. Therefore, now the motion for consideration of the Bill is open for discussion. Mr. Mostafa Bin Quasem.

SHRI MOSTAFA BIN QUASEM (West Bengal): Mr. Deputy Chairman, Sir, the Hon'ble Minister of State for Education has just now introduced the University Grants Commission (Amendment) Bill, 1984. which we all know by this time seeks to amend some aspects of the principal Act, namely the University Grants Commission Act, 1956. One of the main reasons for initiating this amendment, as has been stated by the Hon'ble Minister in the Statement of Objects and Reasons appended to the Bill, relates to accommodating certain recommendations of the Committee on Subordinate Legislation to give retrospective effect to rules and regulations formulated under the principal Act and, as I understand from the statement of the Hon'ble Minister, to accommodate the model clause suggested by the Committee on Subordinate Legislation regarding laying of rules and regulations made under the principal Act before the Parliament.

Sir, I do not find any objection to such amendments which are of technical nature relating to rules, procedures, regulations, etc.

Coming to the second object of initiating this legislation, I seek your permission to read it out for the convenience of the House from the Statement of Objects and Reasons.

> For quite sometime past the University Grants Commission has been feeling handicapped in setting up establishments and financing the same to provide common facilities, services, programmes, etc. for group of universities or for universities in general. To overcome this handicap, the Bill seeks to confer additional power on the Commission in this behalf.

The Hon'ble Minister has elaborately dealt with the purpose of this amendment. I do not find any reason *prima facie* for objecting to this amendment in the form of insertion of a new clause, namely, Clause 12CCC in the principal Act, in the expectation that this amendment and its implementation will result in widening the scope of higher education entailing more research facilities and newer educational and academic programmes and projects by universities in general or by a group of universities. Objection may not lie here. If the expectation is fulfilled there will be widening of the scope of higher education in this direction. But considering the present state of affairs within the University Grants Commission it-

[Shri Mostafa Bin Quasem]

self and the state of affairs prevailing in the domain of higher education in our country *vis-a-vis* the University Grants Commission, I have every doubt about the fulfilment of this expectation. I would in this context ask a simple question to the Hon'ble Minister. Have you taken pains, at least for a moment to review the role of the University Grants Commission in its domain of activities? I tell you that even a cursory assessment of the role of the University Grants Commission in the field of activities attributed to it will definitely result in presenting a gloomy picture so far as its past is concerned. It will present a disheartening picture so far as the present is concerned and it will be presenting a distressing picture if we look at the future.

There are certain inherent defects in the University Grants Commission so far its composition and functioning are concerned since its very inception. I would like to point out a few of them. Sir, the University Grants Commission, which is at the helm of affairs of higher education in our country, in a major way, since its inception has remained and continues to be an undemocratic body. All the Members of the University Grants Commission are nominated Members, nominated, of course, by the Central Government, having no distinct representation from the State Governments of our country in spite of the fact that we are pursuing a federal polity in our country Sir, we definitely boast of our country being the biggest democracy in the world and, ironically, in this biggest democracy, the highest organisation or the highest body in the realm of higher education continues to be undemocratic! What a contradiction! Sir, I am constrained to say that with the ruling party a triangle sometimes consists of three sides and sometimes it consists of two sides only somewhere! This contradiction is there in the country now. So far as the composition of the University Grants Commission is concerned, there has been a longstanding demand of the organised democratic teachers' movement in our country that there should be representation that least from the teacners' organisations in the UGC so that the representatives from the teachers' organisations, with their experience of the movement in the educational field, can enrich the University Grants Commission, can help the University Grants Commission, in pursuing correct policies in different directions But this demand of the organised democratic teachers' movement of our country, I am sorry to say, has gone unheeded to by the Government till now. There is an all-India organisation in the country. The All- India Federation of University and College Teachers organisation is there and this organisation has long been demanding its representation in the University Grants Commission. I would like the honourable Minister to clarify as to what is standing in the way of accommodating a representative from the teachers' organisation, from the All-India organisation, at least to make the present University Grants Commission, in so far as its composition is concerned, a bit more democratic. I would like to have a clarification from the honourable Minister in this regard.

Then, Sir, is it not a fact that the University Grants Commission has no powers? The honourable Minister has not said it and I do not say it. The UGC has powers and it is enjoying powers. But the present amendment, the honourable Minister has rightly pointed out, seeks to arm the University Grants Commission with some additional powers, with a particular aim in view, in a particular direction. But, Sir, what has been its performance so far? We have to assess, particularly in this Parliament, while giving additional powers to a body, which has already existing powers and which has already been entrusted with the respon-

lity of discharging certain noble ... important functions. But what has been the performance of this body ...h its existing powers? We have to ...ess the performance of the University Grants Commission so far. I say, Sir, that here also we are to witness ...loomy picture only, and I would ...e to cite certain examples in this ...nection.

Firstly, I would like to point out the affairs of the seven Central Universities in the country. One question may be put, and quite rightly, as to ...hy I should refer to the affairs of ...he seven Central Universities in the country. Why? It is only to give an idea of the performance of the UGC and the role of the UGC in this regard. I do it because the Central Universities are directly under the control of the Central Government and the UGC is almost the sole agency through which the Central Government looks after the affairs of these seven Central Universities. Now, what is the state of affairs persisting in the Central Universities which are looked by the University Grants Commission which has got definite responsibilities for proper functioning of the Central Universities for maintaining standard of education in Central Universities. I do not want to give elaborate illustrations regarding this. Sir, we have before us the Hundred and Seventy-ninth Report of the Public Accounts Committee. (*Time bell rings*). The P.A.C. refers to the situation prevailing in the Jawaharlal Nehru University. I cite the case of the Jawaharlal Nehru University, because I feel, and the hon. Members will agree with me, that the feature which is prevailing or which was prevailing three as per the Report of the P.A.C. is more or less the common feature in other Central Universities of our country. Sir, I seek your permission to read out some portions from the Report of the P.A.C. In the introductory part of the Report, para 6, it is stated, with your permission, I quote:

"Two principles dear to the heart of Jawaharlal Nehru were tolerance and discipline. The Committee have, therefore, deeply regretted the confusion that prevailed in the University which culminated ultimately in the closure of the University with effect from 12 May 1983 for over 2 months. In the opinion of the Committee, this does not redound to the credit of the Institution."

Secondly, Sir, para 7 of the introductory Report says:

"In this Report, the Committee have also pointed out that the financial discipline was sadly lacking in the University and the prescribed procedures had little sanctity. Stock registers were not properly maintained nor was proper record of utilisation of costly equipment maintained. Physical verification of equipment was also not done regularly."

Time bell rings

These are certain aspects mentioned. I want to point out, Sir, that the Report says that the University was to endeavour to promote the principles which were dear to the heart of Shri Jawaharlal Nehru. There were financial irregularities. (*Time bell rings*). This is the state of affairs prevailing in a Central University. This feature is kept in almost all the Universities. Sir, . . .

MR. DEPUTY CHAIRMAN: Please conclude Your time is over. I cannot allow more than that. The total time allotted is two and a half hours. I cannot allow more than 10 minutes. There are so many Members who want to speak (*Interruptions*)

SHRI NIRMAL CHATTERJEE (West Bengal): Only two Bills are there today. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please cooperate. Your time was only 8 minutes. You have already spoken for about 14 or 15 minutes. (*Interruptions*) You please come here and see the list

[Mr. Deputy Chairman]

of names. I request you to cooperate. I cannot give more than ten minutes to anyone. (*Interruptions*)

SHRI MOSTAFA BIN QUASEM: Two or three minutes more.

MR. DEPUTY CHAIRMAN: One minute more. Please conclude.

SHRI MOSTAFA BIN QUASEM: Regarding the capitation fee which has been discussed, all the hon. Members have rightly expressed their anguish over this heinous crime which is being practised in different parts of our country.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI MOSTAFA BIN QUASEM: Please allow me to complete. I will not take more than ten minutes.

I find from the old records, the proceedings of this House, that the hon. Education Minister herself made a commitment in this august House that the Government would, as soon as possible, bring stringent legislation to curb this corrupt practice. What about that commitment? That commitment was given as long a time ago as on the 13th June, 1982. That was the commitment of the Minister. This commitment has not been fulfilled and I do not bear any anguish over this because almost all the hon. Members know that this Government has specialised in the practice of meeting its commitments more in breach than in fulfilment. What you should have done is to bring forward a separate legislation, a comprehensive separate legislation. If you did mean business, if you had honesty of purpose and if you had sincerity of purpose, you should have brought forward a legislation putting a bar on this practice, making it a penal offence for those who levy capitation fee and for those who pay capitation fee. Instead of doing that, you are making certain additions in the University Grants Commission Bill and you are expecting positive results. How can you except positive results? It is anybody's guess. I support the spirit of the Bill. But I have my apprehensions about it. Keeping in view the state of affairs prevailing in our country regarding higher education and particularly the state of affairs within the University Grants Commission which is out and out to curb the democratic rights of the teachers and the students, it is a mystery to me how much benefit can be derived by introducing this Bill. I would like the hon. Minister to explain.

MR. DEPUTY CHAIRMAN: May I request the hon. Members that every Member shold speak for not more than 10 minutes. That is the time at our disposal.

SHRI R. K. JAICHANDRA SINGH (Manipur): Mr. Deputy Chairman, Sir, I rise to support the various amendments that are brought in connection with the U.G.C. Amendment Bill. As has been pointed out by the hon. Education Minister, these amendments would go a long way in helping to regulate the higher education at the university level by grouping these universities for the establishment of facilities, services and programmes. Though these provisions would help the universities, I would ask the hon. Education Minister whether this group of universities would be within a particular State or would it cut across the barriers or boundaries of other States because this would bring about certain complications if we have to cut across the barriers or boundaries of other States. This is one of the reservations which I have and I hope the hon. Minister for Education would answer it. Though a legislation is being brought forward in respect of the capitation fee for admission to various colleges, as is stated in the Statement of Objects and Reasons, I still have an apprehension about this

mushroom growth of private colleges. I agree that such steps would regulate and would definitely enable the universities in different areas to comply with certain directives. As the hon. Minister has stated, there are many penal provisions for non-compliance which have been introduced. There would, in a way, help in checking this mushroom growtn of colleges in certain areas. But there should be a more serious effort to check the mushroom growth of colleges. I will just give one example. In a small State like Manipur, we have a total population of 1.4 million people. The literacy is very high. It is around 48 to 50 per cent. There are 28 Government colleges. Thanks to the Janata Government, the Government took over 26 colleges in 1977. Besides these 28 colleges, there are 32 other colleges. So, altogether, Sir, in a small State—this should be a rider, this should be an example—where we have a population of 1.4 million, there are 60 colleges and 32 of them are waiting for recognition from the University. Sir, as a member of the Syndicate of the University, I know that we are finding it very difficult to stop this. Unless a more effective legislation is brought about to check this mushroom growth of colleges, I am afraid, higher education will be seriously affected. And in a small State like ours where educated unemployment is a serious matter this matter needs to be looked into seriously by the Government.

Thank you Sir.

SHRI VALAMPURI JOHN (Tamil Nadu): Mr. Deputy Chairman, Sir, at the very outset, I welcome this University Grants Commission (Amendment) Bill, 1984 but only with a few reservations.

Sir, the hon. Minister for Education has been very much assertive and emphatic in the Statement of Objects and Reasons wherein she says that a very serious situation has been created because of the mushroom growth of private colleges and she makes a mention of engineering colleges. But we can add private medical colleges also in this sphere. And she says that because of the mushroom growth of private colleges in certain States and because they collect huge amount of money in the name of capitation fee by way of donations a deleterious effect has been cast a damage is being done to the society at large. Having said so, she further says that this Bill seeks to amend certain provisions in the original University Grants Commission Act of 1956 thereby it would empower the University Grants Commission to take penal action against those universities which are receiving more than the prescribed fees. But what I would like to emphasis is that even yesterday in his answer tc the Calling Attention motion, the hon. Health Minister was very emphatic and assertive that the Government of India is against capitation fees. For him, for the Health Minister, it was only an extension of his wishful thinking orally. But today, for the Education Minister, again it is an extension in a very written way because it is a Bill. Apart from the Statement of Objects and Reasons I don't think that this Bill takes us anywhere even by an inch because, though this is very laudable in its statement of objects and reasons. The Government says that there is a mushroom growth of colleges and that the colleges are getting a huge amount of money by way of capitation fees. And these various amending provisions here, in my view, do not support the Statement of Objects and Reasons at all. For example, while they say that they are against this kind of a capitation fee, in general this Bill says that they venture only to regulate the fee. I do not know whether they mean the capitation fee or the tution fee. My fear is augmented for the simple reason that in those private colleges and those private institutions, in their parlance they call this kind of tution fee as

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capitation fee. And I am sorry to say that though this Bill comes so late, so belated from the oblivion, it does not strike at the very roots of capitation fee collection. I would like to further point out that this very Bill says that it is against the receipt of capitation fee. Whenever a Bill says that it is against the receipt of the fee, very easily the parents who are extracted more money than the prescribed fee, can escape because the very Bill says, "if the Commission is satisfied." I understand, Sir, from the very provision when they say 'the Commission is satisfied', the very word 'satisfaction' connotes *suo motu* the University Grants Commission, however it is empowered, cannot enter into this arena into the blissful domain of the private colleges. Suo motu they cannot enter. There should be an aggrieved party. I would like the hon. Minister to give a clarification on this: Unless there is an aggrieved party, unless some parents come forward that they have been extracted more money, where is the place for the University Grants Commission to step in? Where is the possibility? Because this Bill speaks about the receipt of money and it does not say anything about the attempt to receive the money. Unless and until the attempt to receive money is codified in the penal clause, this Bill will be totally defective and it will be ineffective in its operation. This is like a rape case where the victim will never come forward and say I have been raped. So also in the case of a student who pursues studies in a private college, his parents will never come forward and say that so much of money has been extracted from them This is a serious defect in this Bill because it does not speak about the attempt to receive more money. It speaks only about the actual receipt of money. And then on the private colleges if I could quote Justice Krishna Iyer who said: The very existence of a private college with capitation fee in a socialist society is violative of article 14 of the Constitution because it seriously affects the concept of equality of opportunity. In most of these private colleges if this Government is very serious in conducting a survey, it can find for itself that most of the students, 60 to 70 per cent of the students are making a compromise with the standard of education. And these are the same people who are exported to foreign countries. I quote from a reliable survey. "More than 60 per cent of these doctors who are in foreign countries, they are from private colleges". And it is shameful that there are defenders of the private colleges, and they try us to believe that even if five per cent of the doctors who come from the Government colleges go abroad then the Government of India and the society lose only Rs. 10 crores but in the case of private colleges it is not so. Even if all the doctors are exported we do not lose anything. It it a very fatal argument and it is an utter falsehood. Because if we export technical personnel from this country, which is already afflicted we are badly damaging the technical capital. We can ill afford this kind of an export because this is technical know-how this is technical knowledge, which has got a direct bearing on the national wealth. Our capital is being further deleted from an afflicted country and these private colleges doctors go abroad or they remain in the society to the utter criminal neglect of the villages. What is the policy of the Government of India, the health policy? It is medicine to the millions, medicine to the masses and these doctors from private colleges are allowed to thrive. What I would like to say is that in a socialist country, if we are sincere we have to ban these private colleges or we should be honest enough to remove the word "socialism" from the Preamble of the Constitution. Definitely if somebody could pay Rs. 2 lakhs with 40 per cent marks he could find a place in the fortress of the private colleges. There is an incorrigible compromise in the standard of education. Not only this.

Then there is the case of viva voce. I have verified that in 75 per cent of these private medical colleges, there are more internal examiners than external examiners. I would like to draw the attention of the House and the attention of the Government that in some cases there are not even any external examiners. The answer sheets in the private medical colleges are not even coded. Then you can imagine what kind of doctors they are producing. I say answer sheets are not even coded. In the viva voce we find more internal examiners than external examiners. With all the respect to the medical fraternity I would like to say that because the medical fraternity is so small, closely knit they could influence each other. This I say not to demean them. This I say because it is the actual practice. These private colleges have no justification to exist anywhere in this country. We say we believe only in socialism. Almost in all parts of the country, including mine we say it. Even in their election manifestoes, even if they are diametrically opposed to each other, they have a common character, they swear in the name of socialism. Sometimes in the election manifestoes they say, we are wedded to scientific socialism. Some of them have to say that they believe in [illegible] suited to scientific age. But the common man man will have never any faith in them. When we are legalising the capitation fees or the tuition fees we are only regulating the existing corruptpractice. We are making an allowance for the existence of private colleges and then try to make people believe us that we believe in [illegible] galitarian order. I would like that the research publications which are coming out from these institutions are universally bad. This is the opinion of the experts [illegible] these institutions no [illegible] formula worth the name has been produced.

1 P.M.

Again on the University Grants Commission I would say that it is highly centralised. The Commission's office is here, in the capital city of Delhi and we are far away. From Delhi and we are far away. From Tamil Nadu, whatever we say, may not fall on the ears of Delhi office because there is Mogul coolness here. I would like to ask the Minister to be categorical and assertive in her reply, because I would like to have a correct answer. Does she believe that an office, so much centralised in Delhi, can cater to the educational needs of 5000 colleges in this vast country? I would like to ask her directly. There are 124 universities in the country. Does the UGC maintain a register of performance of these 124 universities? If they maintain such a register can we have a look at it? Can we have access to it, because it is a public document? My information is, they do not maintain even a performance register from the very inception of the UGC. If they maintain such a register, we can know out of 124 universities, which are the best and which are the worst, because they are the seats of learning. Let the Minister tell me directly what steps has the UGC taken, from the very inception so far to improve the quality of education in those seats of learning. Unless it is decentralised, we may not really have any faith in the kind of democratic policy and we can not call ourselves a federation.

I would like to say that South has no representation here. Whenever we say that South has no representation, we are being lulled into false sense of security. I have a sincere feeling that we have been fooled. It is all flowery phrases we are told whenever we say that South is not represented. I have my grievances about it. Except for Prof. Ramachandra Rao who is a great educationist and scientist, and a Member of this House, and Mr. George Jacob, who are the other experts from South who have represented? From the Southern States, no representation has come so far except these two prominent persons. Why don't you take your offices and establish a regional office at Madras

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or Bangalore or Trivandram, because we feel it is far away from us, and we have a feeling that they cannot catch up with the needs of these 5000 colleges.

Whenever we say that South is not represented, they say there is only India, there is no South, no North But I have a sincere feeling that they are fooling us, because in actual practice even from the very names I find that this is a Delhi office; this is not an office meant for the whole of India. What kind of justice could they import to us? For example, this University Grants Commission has been so liberal; I congratulate them, in allowing projects of various universities. But we do not know whether there is a review report. As Ganner Myrdal said, investment in education is investment on human resources. It is not a question as to how much we invest; it is a question how prudently we invest. For the last 10 years, for 409 projects, the University Grants Commission has allotted a sum of Rs. 1 crore—Rs. 1.19 crores. Out of 409 projects, for the last 10 years, only 95 have been completed, and each project cost Rs. 29,000. and 314 projects have not been completed for the last 10 years. What steps the Minister must answer has the University Grants Commission taken? It is only 23 per cent and Rs. 1 crores and more had been spent. There are 314 projects pending. I would like to draw the attention of the Government to this aspect. These are not the projects concerned with science and techonology; these are on social sciences: 314 projects are pending for the last 10 years.

Whenever progress reports are received, they are 'under progress' reports. This Government should take a serious view of it. In the university parlance, if it is under progress, that means no progress. They must take notice of it.

Then, I don't think it will be out of place for me to mention about the important news item appearing, because all the newspapers are agog with this news item that there is going to be a comprehensive legislation which will be on the role of the Vice-Chancellors. What has happened is, Sarkaria Commission is on and while Sarkaria Commission is on, we are given to believe in their terms of reference that they are looking sincerely into the power structure and they are going to do justice to the States.

The Sarkaria Commission has not been appointed because of a complaint from the Central Government. This has come into being, this has been statutorily constituted because of the grievances of the States. But what is happening is, when this Sarkaria Commission is on, there is another comprehensive legislation which is coming up, which is on the anvil to take away the powers of the Chief Ministers of the States, in regard to the appointment of the Vice-Chancellors of the Universities in their respective States. Even in the formative stage of this Bill, I would like to register my protest....

MR. DEPUTY CHAIRMAN: When it comes up for consideration, you can register your protest.

SHRI VALAMPURI JOHN: But this has also relevance with this Bill. Since this is in any case coming up, even before its arrival, I would like to register my protest. This Bill seeks to take away the powers of the Chief Ministers of the States. This Government may be against Mr. N. T. Rama Rao But they cannot put all the Chief Ministers in the same category. I can say, as far as my State Tamil Nadu is concerned, there has been no area of clash between our Chief Minister, our Leader, Mr. M. G. R. and the Governor. In areas where there is no clash, a Constitutionally set up Government is not expected to introduce new sources of clash. But this is being done. In the new Bill, which is coming up, the Governor is being armed with more powers in regard to the appointment of Vice-Chancellors in their

respective States. I would like to point out to this august House that if such a thing is done, does the Government think that the Vice-Chancellers will be able to function. How can you expect the State Governments to function effectively when the Chief Ministers have no say even in regard to the appointment of Vice-Chancellors of the Universities in their respective States? That is why, I would like to register my strong protest against this measure. I oppose this bill tooth and nail.

As far as this Bill is concerned, in the absence of a really radical and far-reaching Bill, I have no other option than to support this measure. But I support this Bill with reservations.

PROF B. RAMACHANDRA RAO (Andhra Pradesh): Mr. Deputy Chairman, I welcome this Bill.

MR. DEPUTY CHAIRMAN: You can continue after lunch.

अब सदन को कार्यवाही 2.05 बजे तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at seven minutes past one of the clock.

The House reassembled after lunch at eight minutes past two of the clock, **The Vice-Chairman (Shri Santosh Kumar Sahu)** in the Chair.

PROF. B. RAMACHANDRA RAO: Mr. Vice-Chairman, Sir, I rise to support the U. G. C. Amendment Bill 1984. If I may say so, this is perhaps the second amendment, the first having been brought in the year 1972 as Act No. 33. As one who was associated with the UGC for over three decades, in my capacity as a Teacher in a University and with the UGC closely for six years, I am aware of the causes for bringing the present amendment to the UGC Act. In fact, the University Grants Commission had initiated action on this matter way back in November, 1981. A Committee had been appointed and a draft legislation was sought to be prepared. Indeed, when the Committee met, it had among others, four objectives. One was to provide more powers to enable UGC to carry out better the main task of maintenance of standards of higher education. The second objective was to regulate the establishment of universities and colleges which are growing like mushrooms. The third was to improve the governance of the universities and the last was to make provision in the Act for derecognition of degrees in the specific case of colleges where there is a fall in the standards of teaching and examinations. At some stage during the course of the preparation, one of the objectives has been dropped-namely that of governance of universities-and the rest of them have been taken up in the present legislation directly or indirectly. Did the U. G. C. realise that in a way for the better performance of the universities, the governance of the universities is equally important. May be the hon. Minister is aware of the fact that currently the universities and colleges are facing a number of problems. Right now the University from which I come-the Andhra University- is facing a strike on the mode of appointment of the Vice-Chancellor and for the last one month the students are on strike. I am aware that the Gajendragadkar Committee appointed by the U. G. C. whose report is available with the UGC for more than a decade-has made certain recommendations regarding the governance of the universities and a Model Act was given. But the UGC was unable to implement this. As my hon. friend Mr. Valam puri John, has said the Chief Ministers want the prerogative of the appointment of the Vice-Chancellor, whereas the sum and substance of the Gajendragadkar

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Committee's reports was to depoliticise the appointment of Vice-Chancellor and to leave it to a Committee of Experts to draw a panel out of which the Chancellor will choose one.

I would now like to touch upon a few points regarding the Act itself. I wish the hon. Minister had taken the most important aspect to change the name of the University Grants Commission. I am sure she is aware of the fact that one of the cost wellknown review committees-called the Jha Review Committee-has recommended that the name of the Commission itself should be changed to some other name rather than giving emphasis on the "grants". It is a legacy from the British system which we are following. The emphasis should be more on education rather than on "grants". "Grants" are a means for improving education, but not the sum and substance. The function of the University Grants Commission is not merely to dole out money.

[illegible] up the various [illegible] of the Act. The first point I would like to raise is-and here I am fully with the hon. Minister and the Commission-about providing for the establishment of institutions providing common facilities, common services, like the Instrumentation Centre, Regional Libraries, Nuclear Centres and many others which they are proposing to set up. I would like to dwell at length on this but it appears that there is a serious lacuna in the UGC [illegible] universities are starving of [illegible] major facilities which are available with the other bigger organisations like the CSIR, Department of Science and Technology etc. which have better facilities than the university system I welcome this insertion of clause 12 (cc) whole heartedly because it gives the UGC an opportunity to provide the most uptodate facilities and bring them into the university system. The UGC, of course, cannot provide such facilities to each univ[illegible] with the meagre facilities that are available. So I [illegible] this amendment.

The second point which I would like to raise is about modified clause 12A(2) which seeks to empower the UGC to fix the scale of fees which are charged [illegible] various courses of study from such date as may be prescribed by the regulations. This is a sweeping general clause ostensibly aimed at cutting down the capitation fee or donation for professional courses like engineering, medicine etc. But, [illegible] the idea behind this clause was to have a general power vested in the University Grants Commission which can [illegible]. While I certainly welcome [illegible] appreciate this clause which intends to remove capitation fee [illegible] it in professional [illegible] do not see the need for this prescribing differential rates of fee in different areas. It says that the fees [illegible] different for different areas for coherent course and so on. I understand, of course, for different courses, namely, for arts courses as one group, science corses as another group, engineering courses as a third group and medical courses as a fourth group. For teaching purposes the college [illegible] should be the same because the same type of teachers with the same salaries are teaching all the groups. But as a laboratory fee they can charge additional fees, which varies depending on the professional course. One can easily understand that science courses need certain laboratory fee, engineering courses [illegible] and medical courses much [illegible] may a differentiation is [illegible] whole but I do not know [illegible] differentiation is sought from one area to another. Does it mean that the Ministry or the UGC is suggesting that for areas which are backward the fee [illegible] be less or that for areas [illegible] are forward the fee should be more? I am unable to understand this. I shall be happy if the hon. Minister enlightens me on this point.

One of the important things which I would like to raise is, if the University Grants Commission determines the fee in a college or a university if it decreases there will be problems which colleges face because, who will meet the loss in revenue? will the UGC be in a position to find and provide the difference in the revenue amount on which the college is surviving? I for one would prefer a uniform fees structure for the entire country for each type of course. I would also like to mention here that the college fee has remained almost static for the last three decades. In fact, a time has come when the college fees should be increased gradually without, of course, calling the attention of the students who, under a flimsy pretext, start agitation in a silent way, the college fees should increase from what they were in the pre-independence period.

Now, I would like to raise a third point which is most important for me. Clauses 4 and 5 lay down that a college will be disaffiliated for a period of three years if they violate provisions of clauses 2 and 3. Now this is a very delicate and difficult task. I do not know how the UGC will perform this task. First of all, the UGC should have a machinery to know the fees collected by colleges. As my friend Mr. Valampuri John has said there are 5,000 colleges and how do we know what each college is charging? Of course, we know what the college is charging as a notional fee-official; how much capitation fee they are taking, how much they are taking as donation, this information is very difficult for the UGC to get, on which UGC can take action. As my friend has mentioned, unless a person who has actually paid the capitation fee or donation gives the information, it will never come out and there is no other way to get the information must get the information sort of method and I do whether the UGC has a way it out.

A much serious clause is that in case a college is found to violate the provisions about the fees that have to be charged, they will be debarred for three years. Now, three years' debarment will mean three batches of students who have to find a berth elsewhere-and this will certainly happen in medical and engineering colleges. If such a thing happens and if the UGC acts on this-which is perpetually meant to be acted upon? I wonder how three batches of students could be rehabilitated and sent to different places.

Many of the students join a local college for various reasons. And the moment the students are sent out to different colleges, you can imagine the hardship they face. Where is the college which has double facilities of medicine or engineering to accommodate the extra batch? I would like the hon. Minister to give a serious thought as to how this clause can be implemented if a particular college is debarred and three batches of students have to be rehabilitated. How this can be done, is not easy. The better course would be prevention of such a situation. Prevention is better than cure. It is better that we prevent such colleges coming into existence. It is my feeling that soon after this Bill is passed, taking recourse to this clause, clause 12(a) (ii), the University Grants Commission should act quickly because this penalty clause cannot be implemented unless under section 12 (a) UGC fixes a fees for all the colleges. I wonder whether under these circumstances how this kind of provision can be implemented.

The University Grants Commission, among various objectives, should have certain objectives, which I find missing. The first one, as I have already mentioned, is the proper governance of the universities or colleges, which is most urgent. The method of appointment of principals, teachers vice-chancellors is subject to various criticisms. The second is the proliferation of the colleges and universities. There is nothing in the Bill to show that the UGC can prevent

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creation of a university or a college. It ouly deals with the question of the fees for various courses. The most important object of the amendment Act is to prevent the proliferation of colleges. Indirectly, it may have an effect. If you fix the fees, indirectly it may have an effect.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): How many minues more would you take?

PROF. B. RAMACHANDRA RAO: Two minutes more. I would not take much time.

The third, which is most important from my point of view, is that the university Grants Commission has to be vested with the responsibility of maintaining standards. There is no way, no method, as I can see in this clause, by which the UGC can find out the standards that are prevailing in various colleges and universities and see that sub-standard colleges are disaffiliated. There is no provision in this clause. Therefore, I would like these three things to be ensured. The present Act would not provide for these. But soon enough if the Uuiversity Grants Commission comes forward with a comprehensive bill relating to governance of the universities, prevention proliferation of colleges, maintenance of standards in colleges-which, to my mind, are the most important for the healthy growth of education in our country that should serve the purpose adequately.
Thank you.

SHRI M. S. GURUPADASWAMY (Karnataka): Mr. Vice-Chairman, Sir, many hon. Members have already made quite a few constructive suggestions on the Bill. I confine my remarks only to one or two aspects because time is not there for me for other things. Our country is vast and the population is also growing. Naturally, the demands for education will be increasing more and more. We have been having nearly 4 per cent increase every year in the university student population. It is quite an impressive increase, I must say In future, the demand for all types of education, including higher education, will be greater. Looking at the past and the present, I am afraid we do not have an adequate knowledge or comprehension about the crisis which is developing in the educational field. I advisedly used the word 'crisis', Our friends are satisfied with the objectives set by the U. G. C. The main purpose among others are two: to co-ordinate the university education, the higher education, and to determine standards. In both the aspects, I think, the country has suffered. The University Grants Commission has not lived up to our expectations. I am afraid, the University Grants Commission has been a party or, may I say, a victim of pressures built up on it from varicus quarters.

Look at the present state of affairs in the various universities. We, at the public level, at the Government level and at the university level, seem to be compromising on every asnect of the university. We have compromised on the quality of education, the standards of education. We have compromised on examination. We have compromised on the facilities or the infrastructure created in the universities. We have compromised on the environment or the climate needed for purusing higher education. We have compromised on the quality of equipment. We have compromised on the extension work. I can narrate many things. We have been compromising and compromising all along the time.

We have only to look at the universities functioning in the advanced countries of the world, and not to look back at our past and say that we are improving slowly and steadily over previous years. I want the comparative study made always by the U. G. C., by the universities, and

by the Government. I feel sorry when have to talk of the level of higher education, the type of students we are producing, the kind admission we are making, the malpractices that are mounting each year. In deed, in matters of discipline, in matters of locating talent in the universities we have not been observing effective norms, standards. I am not talking of the capitation fee now. That is a very big question. Many Members have already talked about it in the past and now. What kind of teaching staff have we? I look around. Sometimes I do visit universities. I ask this question: What kind of research papers have the teachers produced? They do not have to their credit any research at all. They do pretend to conduct research but on subjects of what kind? Subjects picked up by themselves, unimportant subjects, about which I and you are not very much concerned, and not the university is benefited. Such not the university is benefited. Such films subjects are taken, and doctorates are awarded and money spent on them.

About teaching less said the better Teachers do not teach and students do not read. This is the phenomenon we have been witnessing in most of the universities. What kind of coordination the UGC is trying. We have been spending lot of money. I know that. About the quality of educations, there has been progressive deterioration. I may say that we have not been fully benefited out of the universities in the country. Look at the University Acts. We talk much about the university autonomy. I sincerely believe in this. Once upon a time, the Vice-Chancellors of the Universities were very high personalities in the country.

SHRI SANKAR PRASAD MITRA (West Bengal): There used to be honorary Vice-Chancellors.

SHRI M. S. GURUPADASWAMY: Yes, I know that, very big people were selected. Let there be honorary Vice-Chancellors, very important people. Some times scholars were selected as Vice-Chancellors. Today when I look at the Vice-Chancellors they do not make any impression. Amazingly, Sir, we have come to a sorry state Universities are some times manned by I.A.S personnel. I wonder how can a I.A.S. man can be a Vice-Chancellor of an academic institution. I hear a stock answer: this I.A.S. officer has no other place so we have posted him as Vice-Chancellor. Can we imagine the Registrar of a University is a police officer? In the past on policemen were allowed to the university campus or to the colleges. Very rarely a Principal or a Vice-Chancellor called the Superintendent of Police when there was a break-down of law and order. Now an I.P.S. officers, a Superintendent of Police becomes the Registrar of a University. What do they know about the University? Some times the Controller of Examinations is an I.P.S. man. How can a University administration run by a police official? This is a bad situation. Are we making tamasha of the university? Indeed it is a mockery. India is not lacking in scholars. Why don't we identify those scholars and post them. There are professional university administrators available. Neither the State Government nor the university authorities nor the UGC have taken pains to see that the universities are administered properly by suitable and competent men. There is anything but academic atmophere in the university today. In the past I used to go to the university for educating myself and used to sit with the Professors. Today, the Professers come to me for various kinds of help: For promotion, for increase in salaries etc. Besides there is groupism and casteism. Many have left off teaching. How can you expect the university to develop with such a staff?

About admission. What kind of admissions we are making today? It is our experience that examinations are manipulated, marks are manipua-

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ted and merit is manipulated, We say that merit has to be recognised. I agree. But merit is manipulated in this country and no action is taken. Higher marks are awarded to undeserving students.

And even the IAS examinations are not of the same old standard. Substandard material is passed on as merit. They are called IAS and IPS officers and they are the people who govern the country. Merit is manipulated; corruption is rampant. What effective action is taken to stop this kind of nefarious activity?

Sir, my friend has talked about uniformity—that there should be some sort of uniformity in pay scales, if the UGC has set up a committee on I have heard him correctly. I think There are anomalies, I know and revision of pay scales for the teachers. they have got to be corrected. In my own State, Government college teachers get more than university teachers. Such anomalies have got to be removed. But I am not for bringing about a dead uniformity, dead uniform standard for all the universities. The universities have got to compete with each other. They have to maintain their excellence .... (*Time bell rings*)

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): It is almost time.

SHRI M. S. GURUPADASWAMY: I am coming to an end. I am conscious of the time, Sir. My short point is, you should not bring about uniformity. Like the USA, like England, like the Western countries, universities have got to compete in standards.

And finally, I say, we should draw a line as to who are the students who have got to go to the universities and who are the students who should not go. Universities are meant for those who are talented, who have got merit, who have got aptitude. But here everybody, for lack of other avenues of life, goes to the university and gets a degree and ultimately becomes a burden on society. A line has got to be drawn and the UGC has got to apply its mind to this aspect also.

Sir, I welocome this Bill. It is a very limited Bill and I hope and trust there will be a more comprehensive Bill which will be brought before the House and we will be given an opportunity to debate on all the aspects of university education soon. Thank you.

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, the University Grants (Amendment) Bill in as far as it relates to putting an end to the sordid practice of capitation fee being charged by various institution, is a welcome step. However, I have one doubt about it, that is, as far as it relates to watching the interests of the students. If we have a look at the provisions of sub-section (3) of section 12A as it is sought to be introduced now, it bars any institution "to accept either directly or indirectly any payment, otherwise than by way of fees, or any donation or gift, whether in cash or in kind." Now, the penalty sought to be imposed for violation of the provisions of subsection (3) is contained in subsection (5) thereof. It says:

> "... the affiliation of such college to such university shall, in so far as it relates to the course of study specified in such order, stand terminated and on and from the date of termination of such affiliation and for a period of three years thereafter affiliation shall not be granted to such college in relation to such or similar course of study by that or any other university."

Further, sub-section (6) seeks to safeguard the interests of the stu-

dents admitted to such institution. The honourable Minister while piloting the Bill said that the Commission would see and ensure that such students get admission in other institutions. What I am trying to make out is, that if, in a given case a particular college charges very exorbitant and unconscionable amount of capitation fee, the Commission may in that case proceed to take action against the college resulting in disaffiliation of the college from the university concerned. But what happens to those meritorious students who are denied admission because of the unhealthy practice indulged in by the concerned college? The Commission may ensure that the students who were admitted by paying capitation fee, take examination through some other college,—but as we have been discussing in the past also, the obnoxious part of the entire practice is that the meritorious students are left high and dry and cannot seek admission even on the basis of high merit they have. So, I would suggest to the honourable Minister that there should be a penal clause firstly, to the effect that any erring or defaulting college is fined to the extent of the capitation fee collected by that college and secondly, that there are rules to the effect that they lay down some sort of uniformity regading admission so that in future those students who deserve admission to educational institutions but cannot really secure admission because they are not in a position to pay the capitation fee or the sale-price of the admission, are in some way or the other looked after by the Commission. What we have seen is that some institutions have, in fact started selling education rather than imparting it. Therefore, it is my fervent appeal that this aspect of ensuring admission to meritorious students should be looked after.

As regards establishment of institutions for providing common facilities and programmes, I have no reservation in welcoming this step as it would lead to the pursuit of knowledge and ensure deeper effort and research in various fields which were left, untouched in the past. I woud only say that in view of the present circumstances and the threat that is facing the unity and integrity of the country, it should be imperative for the universities to ensure on the directions of the Commission that teaching institutions, affiliated to universities, which come under the scheme, do prescribe a course for national integration and moral education.

Only one more point I have to make before I take my seat, and that is regarding the practices indulged in by the private colleges. It has been said earlier that there is a mushroom growth of private colleges. I feel that all such institutions are supposed to serve the cause or further the cause of education,—of course, we surely have no doubts about the institutions—but what is really happening is that we often find that those affiliated colleges which are run privately by various managing committes... get as much as 96 per cent aid from the Universities or from the Governments, but their managing bodies have turned themselves into warring groups of local interests with the result that it is education that suffers. I would suggest that a provision should be made that after the first warning if these institutions do not serve the purpose for which they were created, either they should be also disaffiliated or taken over by the Government.

With these submissions, I support the amendments that have been introduced.

SHRI JASWANT SINGH (Rajasthan): Sir, the scope of the present Bill is limited. One would ordinarily find little difficulty in supporting the amendments unreservedly.

The University Grants Commission Bill, 1984, raises essential questions about education as it has come to be

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in our country today. The functioning of our universities and the guidance received from the Government to education as such make very interesting study. May I recount to you, with your permission, what was said in a debate which has taken place in this House? I quote:

> "Sir, there have been financial bunglings, bad appointments and there has been a fall in standards and lack of discipline. There has been a growth of teacher-politician class and the control of the universities by caucuses and trade union (?) bosses and they have misused their powers to perpetuate a set of persons in certain positions."

This is from a debate which took place on the University Grants Commission Act. It was till then in the form of a Bill. This took place in 1955 before the University Grants Commission Bill became an Act. The speaker on that occasion was Dr. K. L. Shrimali and the sentiments expressed here are by Mr. K. L. Shrimali who was the moving spirit behind the coming into being of the University Grants Commission as such, though of course it followed upon the Radhakrishnan Commission as it related to university education.

Sir, I felt the need to quote this so as to illustrate that if in 1954 one of the reasons for the constitution of the University Grants Commission was on account of what Dr. K. L. Shrimali had then said, I do not think today university education is in any better position.

The purpose of secondary education has been so distorted that today the word 'education' is not even any longer synonymous with literacy. Of course we accept that to be literate is not necessarily to be educated as well. But because the whole aspect of university education has got so distorted in these 30 years of existence of the University Grants Commission, therefore, it becomes necessary to quote again from a debate on the very same subject. The report then said:

> "Over-crowding in the Universities is also a problem which causes concern....."

> "....The need to apply suitable tests for selecting those who should receive university education and to draw as large a proportion of students as possible into gainful occupation before they reach the university stage is stressed."

This again, Sir, is from the 1955 debates and, Sir, the situation today is so complex, so compounded, that admissions to colleges, the whole functioning of the universities, the governance of the universities, the whole scope of what we call education in this country, all these have become that much more disorganised, are that much more in shambles.

Sir, before going to the Statement of Objects and Reasons of the amending Bill proper, I would like to take this opportunity to make just one or two additional points. I would like to submit to you, Sir, that it is a mistake, particularly with our experience of the last thirty years with the existence of the University Grants Commission—I underline this—to assume that governmental control is equal to higher standards or equal to improvement in any sphere. Government control is not necessarily equal to development either. I also submit that during the last six Five Year Plan periods, whereas we have consistently emphasised development, we have also simultaneously reduced development only to the material and we have not been able to conceptualise development of the nation and of the citizens of the nation as also being outside of the context of the purely economic, and it is because we have failed even to conceptualise that developmental activity has remained limited, has become fractured, and

today remains confined only to the material, and that is why education in the country has reached the stage that it has.

Sir, I would pass on to the main Bill by making one additional point which is about the status of the Rajyapals about appointment of Vice-Chancellors and about salaries of the teaching staff. On the question of Rajyapals, because we have politicised the whole office of Governors, if we were to work on the assumption that by an ex officio transference of the post of Chancellor of most universities to Governors or Rajyapals, we would keep the Universities outside the ambit of political domination, we would be making a mistake. We were making a mistake in conception and we were making a mistake from the very beginning during these last thirty years. Now, it is known to all of us that the role of Governors has become a role of putting retired politicians to posture, and Governors are also appointed when their presence is inconvenient either to their States or to the Government and hence they get passed off. They are now being used as political tools, as an extension of the will of the ruling party. If that is the role of the Governors in today's India, their role as Chancellors of Universities cannot be treated as a political. If that be so, then the appointment of Vice-Chancellors also leaves much to be desired. Bureaucrats from the Ministries of Education, civil servants posted in States as administrative officers, to which a reference has been made by my colleague, Shri Gurupadaswamy also, these are all factors which have led to the state of university education being what it is.

Sir, I do not have time. Otherwise, I would have liked to quote once again from the original UGC debates to point out that even then it was being spoken that you could not have good education if you did not pay good salaries because it is good salaries alone which would bring good teachers and it is good teachers alone who would bring about an atmosphere which is academic, which is an atmosphere of discipline, and which would result in the flowering of our youth which is the whole purpose of university education. That particular commitment is bedevilled by the same reasons, I need hardly emphasise.

Sir, I have some objections to the present Bill. In the Statement of Objects and Reasons, as the hon. Minister has said, there are three essential reasons which lie behind it. One is to give retrospective effect to legislation. Sir, my difficulty is in accepting any legislation which has retrospective effect. In this particular case, the grounds for having retrospective legislation are perhaps valid enough and reasonable enough. But retrospective legislation of any kind, any law-making which has retrospective effect, which goes back on that which has already been done and attempts to cure, rectifies it, modify it, by a law enacted today, is in principle wrong. That is why I find it difficult to lend my wholehearted support to this.

Sir, the second matter that was talked about was about the setting up of establishments. This is really purely an extension of the financial arm of the University Grants Commission. The setting up of establishments is an empowering provision which enables the U.G.C. to set up establishments which it wants to. I would caution the Government that in the light of the past three decades experience, of the existence of the U.G.C., let it be cautioned about this becoming yet another bureaucratic exercise, yet another avenue for palming off or denying patronage.

Sir, the third which is the substantial point which the hon. Minister has talked about is, and there is an admission here in the Statement of Objects and Reasons about a very serious situation. That is how the statement starts, and it goes on to talk about mushroom growth of private

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colleges, specially engineering colleges in certain States, and it talks about donations, capitation fee, etc. If I refer to it, it will be taking the valuable time of the House. There has been a discussion on capitation fees just yesterday. That does not merit a repetition or reiteration. But I am finding it difficult to reconcile myself to some unhappy choice of words which follow.

This Bill is an amending Bill, for University Grants Commission. The Ministry which has brought it forward, styles itself as the Ministry of Education and Culture. I find some difficulty in harmonising myself with the unhappy phraseology which then follows, which says, "To tackle this evil. . ." (*Time bell rings*). This is not very educated, not even very clear phraseology. It is certainly a phraseology which flows easily out of dusty files. But when it is an amending Bill which is really meant to amend the provisions of the University Grants Commission then these words however, without persisting on that, let me proceed, Sir, if there is a mushroom growth of colleges, as the Minister has said, and in the technical field, whether it is engineering or medical, rather than the Government always pointing the fingers away from itself and saying that the evil is with the the other, let there be a little bit of self-examination. Whenever difficulties arise in this country, there is a tendency on the part of the Government to say, "Everything is all right with us, the evil is with the people, the wrong is with the people, we are all right, the wrong is with the students, we are all right, the wrong is with the teachers, we are all right, the mushrooming is wrong, we have provided maximum technical education be it engineering or be it medical". I appeal, through you, Sir, that let the Government examine its conduct, let the U.G.C. open its dusty cupboards and see why such mushrooming has taken place, what is wrong with our technical education, why they should come about, why should there be capitation fee? It is no good merely pointing out that the wrong is with the other.

Finally, Sir, I do believe and I have often said this in this House that more laws do not catch more criminals. There is a tendency on the part of the Government, instead of remedying a situation which is wrong, it saddles itself with more laws. If more laws could catch more criminals, the country would not be where it is. I shall not persist in what I have said. You have been kind enough in giving me excess time. I do not oppose the Bill. But I do however, find difficulty in reconciling myself entirely to it. Therefore, I express my dissatisfaction with it. I thank you before I sit down.

PROF. C. LAKSHMANNA (Andhra Pradesh): Mr. Vice-Chairman, Sir, for a teacher it has been a long expectation of some Union Government laws which would be progressive and meaningful. Unfortunately, this piece of legislation which is before us does not fulfil either of the two conditions. Neither it is progressive, nor is it meaningful. I think the U.G.C. (Amendment) Bill vitiates the principle of **decentralisation. The principle of** decentralisation again depends upon 3 principles: principle of knowledge, principle of closeness and the principle of accessibility. If we have to decide **about the fate of a college located in a particular State sitting at the office of U.G.C. in New Delhi, it is definitely vitiating the principle of de**cent colisation. It is actually going in **the direction of centralisation and also going in the direction of concentration of power against which we have been all the while fighting in this country.**

Sir, I must be able to point out how we vitiate the principle of decentralisation. The Bill has attempted to seek two objectives. The Statement of Objects and Reasons starts at a very innocuous and innocent level. By the time it comes to the end, the

snag develops. You take the second objective. It says:

> "A very serious situation has arisen in recent years because of mushroom growth of private colleges specially Engineering Colleges, in certain States which. . ."

This is the main ground. The main ground is that there are colleges in different States which charge capitation fee. I am not happy with the word "mushroom". Even as per the statement given by the Minister of Health only yesterday, today we do not have sufficient number of either medical colleges or engineering colleges to meet the needs of the country as a whole. Therefore, normally speaking, the starting of any engineering or medical college would have been a welcome proposition. In saying so, I am not supporting the existence of some of the colleges which have been there in many States. The Bill speaks about "mushroom" growth of private colleges, specially Engineering Colleges". It does not mention degree colleges. What is more important is this. Having said that there is capitation fee charged by some Colleges in some States, especially Engineering and so on and so forth it goes to the more dangerous part. It says: "To tackle this evil which has grave deleterious consequences the Bill seeks to empower the University Grants Commission to determine the scales of fees charged. . . . ." It goes on to say: "The Bill also provides for inquiry before de-recognition of a college." Now, the college is governed by the rules of the university. It is not governed even by the State Government. This Bill seeks to take away the right of the university and it does not give any cognizance to the State and the people sitting in Delhi will decide as to whether a particular college is up to the standard or not. Then, the Bill does not say 'in consultation with the university or the State concerned'. It does not say so. It only says, "in consultation with the Central Government." A communication can be sent to the college saying that you are de-recognised. The moment a communication goes from the UGC to the college, it becomes binding on the University to accept that as a fact, and the college is de-recognised.

But, then, what about the consequential problems. My learned friend Prof. Ramachandra Rao, mentioned earlier that it is fraught with so many problems. Sir, I had been the Dean of a Faculty and where I had been working, a particular college was closed. It is a kind of its own and only one of its kind. Then, as the Dean, I had to go through a maze of problems in solving the problems arising at the closure of the college. All the three batches of students were ready to launch an agitation. We had to persuade the management and all others concerned to restart the college so that the students do not suffer.

Therefore, Sir, while making this particular Bill and in pursuing the second objective, the Union Government does not seem to have taken these facts into consideration. All That is perhaps motivating the Union Government to make this type of legislation is to gain more and more control over the colleges and the universities in the outlying areas. As I was mentioning earlier, the University in which the college is located and the State Government of the State where the University is located are in a better position to know as to what is the position of a particular college. Therefore, Sir, the better policy would have been to establish a process by which the colleges, the universities, and the State Governments are made partners in a programme of evaluation of the functioning of the colleges. If that is done, I do not have any objection for de-recognising any college which is deserving to be de-recognised. But the problem is that it is not the case. The decision will be taken by a set of people who will be the appointees and not the people's representatives as it happens in the case of State Governments and the Union Government. So, Sir, this is the first point I wanted to make. Therefore, the second objective of the

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present Bill vitiates and it smacks of something which is not very desirable for the promotion of university education in this country.

Then, Sir we will come to the first objective. It also starts in a very innocuous way, in an innocent way. But then, Sir, there is no restriction today in the existing provisions of the University Grants Commission Act and in the functioning of the universities all over the country to establish any Central facility. There had been already instances where Central facilities had been established for the betterment of the universities, the students, and the faculty of those universities. But that is not the problem. They want to take such powers which are not presently within their hands to super-impose, perhaps, super-universities on the existing universities in the country in the name of creating a Central facility, may be computer facility, may be information facility, and may be such other facility. I do not have any problem about it. But in the manner of establishing these Central facilities, they would like to take over, perhaps, the overseeing capacity and then see that the universities become subservient to the dictates of the UGC which is located in Delhi. Sir, this is again a very dangerous proposition. Sir, as one who had been with the university system for about 25 or even more years, I do agree that all is not well with the universities, all is not well with the colleges. But what is happening with the university and the situation which is obtaining in the university is a reflection of the things that are going on in the society. And I would like to make a sociological observation that if you try to look at the university education or college education or school education in isolation from the socio-economic milieu in which we are living, then we would be committing the gravest error. And that is exactly what is being sought to be done here. Some learned Members pointed out that the teachers are not teaching. Yes. The teachers are not teaching. But what is the percentage of those teachers who are not teaching? Then they say that research is not being done properly. What is the percentage of those not doing proper research? Was it possible to produce such firstrate engineers, firstrate doctors and others in this very country by this university system if everything was wrong ? If you say that things are not going on in the way in which they ought to, the standards have not been maintained to the extent they should have been maintained, I can understand But to say that nothing is good there, all that is stinking, is a very grave charge and will not stand scrutiny. But on the other hand, if we moderate, if we temper this statement and say that things are not improved, there is scope for improvement, I will go one with anybody in saying that.

Sir, the centralisation principle is also operative not only in this Bill which is before us but it has been there in a few other things also I would like to bring to the notice of the Minister of Education what is being done in the name of administration of fellowship programmes in this country. It has been objected to by the academics and the academicians in this country very strongly, by the universities in this country very strongly, but nonetheless the University Grants Commission taking a clue from the CSIR is going ahead with the fellowship entrance test programme What does it mean? There shall be uniformity in the standards in the research, in the pattern of research, that is being conducted in the country and therefore, U.G.C. will oversee who is suitable for research. In the initial stages they said, we will select and we will allot also. Now there is a change. In fact, I was one of those who was asked to prepare the syllabus in my subject. I participated with a protest saying that this will not lead to the betterment of university education, it will not lead to the betterment of research and so forth. Sir, it is not my personal view alone

Many academics who have been working in the Universities have come out against it and I will read it out, Sir, with your permission: "On principle the new system has serious defects. It implies that all research work is geared to a uniform pattern common to every university. There can obviously be no such uniform pattern at the research level." This is what the academics, many of the outstanding professors working in the Delhi University, have come out with. Therefore, Sir, there has been an attempt in this fellowship programme to centralise the educational system in the hands of a few who are located in Delhi.

Then, Sir, about the appointment of Vice-Chancellors, the role of governors, many things have been already brought to the notice of this august House by several other Members. All is not well there. The university autonomy has been continuously eroded and the universities are not allowed to function in the way in which they ought to be allowed. But what can be done? When somebody is having a brute majority, one can steamroll the things and get what he wants.

Sir, now coming to the clauses, the clauses do not lay down any procedure as to how you determine whether a particular college is suffering from a particular defect, which demands and which attracts derecognition. There is nowhere anything about it. It has been left to the whims and fancies of those who will ultimately determine. And, similarly, it does not say anywhere what shall be the relationship between the university, as I was mentioning earlier, the State in which the college is located or the university is located and the Union Government and also the University Grants Commission. There is nowhere any mention about it. *(Time bell rings).*

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): How much time will you take?

PROF. C. LAKSHMANNA: Sir, I will try to complete as soon as possible. Sir, as I was mentioning earlier, there is a process of affiliation. The process of affiliation goes like this. A particular set of indiviauals or an institution wants to start a new college. They make an application to the university. Simultaneously, they also make an application to the concerned State Government for permission. But the permission by the State Government will not be given. At least this is the experience of Andhra Pradesh. It will not be given unless the university unequivocally and categorically states that this particular application deserves consideration for the starting of a college. Now, what happen is, a committee is constituted under the existing rules of the universities and the committee goes and examines, and a report is given. Then a letter of intent sort of thing or permission is given to start the college. Then they go to the State Government. The State Government considers it and then in turn give a letter of permission. With the letter of permission they go back to the university; the university sends another team which goes into the various aspects of the functioning of this new institution and ultimately grant affiliation for a limited period in the first instance, say for three years and after three years, there is a review and if in the meanwhile all the facilities that are required for the college to function are available, they are given permanent affiliation; otherwise temporary affiliation continues. Therefore, if there is an elaborate process through which affiliation is given, how all this is being sought to be set aside by a body which sits in Delhi and says: we are derecognising you. Therefore, it vitiates an established practice for the establishment of a college. I would appreciate, if in the starting of a college or in the starting of universities the University Grants Commission has a say as well. Normally, a university imposes a limit that there should be at least six months to one year time to

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file an application . . . . . ting a college could be made. What could be done was to add another 6 months and the University Grants Commission could say that if the university is satisfied, permission can be given for a college to be affiliated. Similarly, if the University Grants Commission feels that a particular college is not functioning effectively ,all that they could do is to forward its findings to the university concerned and ask the university to give its reply or its comments on the findings of the University Grants Commission and if the university agrees with the recommendations of the University Grants Commission and if it concurs with it then the university should be asked to proceed with the process of recognition, process of deaffiliation, which is also laid down; otherwise there will be a tendency on the part of the higher body to try to superimpose its will on the lower body which is vitiating, as I mentioned again and again, the principle of decentralisation.

So, in the light of the observations I have made, I would like to appeal to the Minister of Education to reconsider it. In the meanwhile, something also has happened. The Government of India has appointed a National Commision on Teachers and they will be coming forward with their recommendations. After all, we could look into the recommendations of these national commissions which have been appointed by the Union Government itself and after having looked into those recommendations of the national commissions, if we find that they are also of the same opinion, then there could be a reconsideration of a Bill of this nature. As I was mentioning, even earlier, if stopping capitation fee is the only criterion for bringing forward such a drastic legislation, then easier course would have been for the Union Government to write to the Maharashtra Government saying that these are the conditions under which an engineering college or a medical college could function; otherwise it becomes very difficult.

Sir, as said already, there are two bodies, All-India Technical Board and Medical Council of India, which are trying to see the standards in the engineering and medical colleges. As was pointed out yesterday, some colleges have not so far been given permission by these bodies, which means they are not satisfied with the level of efficiency of these colleges. Therefore, when already there is a mechanism which is in existence, what is the hurry, what is the urgency, to create a super-body to oversee things and try to give directions where there is no need? On the other hand, it will only lead the country towards more perilous consequences.

Therefore, I appeal to the Minister of Education to calmly and coolly consider some of these points which I have made and which have been made by other colleagues, and postpone consideration of this Bill for the present. Heavens are not going to fall. As I also understand already there is a comprehensive education Bill under consideration. Therefore, when that Bill comes and if sufficient time is given perhaps, there could be valid comments, valid suggestions on the basis of which a good, comprehensive and a progressive legislation on university education could be brought forward. Therefore, I would earnestly appeal to the hon. Minister of Education to kindly withdraw this Bill for the present and wait until such time when we will be considering the comprehensive Bill on university education.

श्री हुक्मदेव नारायण यादव (बिहार) : उपसभाध्यक्ष महोदय, जिस विधेयक पर अभी सदन में चर्चा कर रहे हैं, उसके संबंध में बातें काफी कही जा चुकी हैं। सरकार की जो मजबूरी है, या परेशानी है, वह समझ में नहीं आ रही है। कानून सरकार बनाना चाहती है, वह तो एक बात है,

लेकिन कानून को भूतलक्षी प्रभाव से लागू करने का क्या मतलब है ? बात इसलिए समाज में नहीं आती कि सरकार भूतलक्षी प्रभाव से करने का अगर इरादा रखती है, तो सरकार किस संबंध में क्या करना चाहती है, उसकी कोई नीति स्पष्ट नहीं है, कोई दिशा स्पष्ट नहीं है । फिर इसमें कहा क्या जाए कि भूतलक्षी प्रोग्राम किस पर ?

सरकार को सशक्त करने के लिए और सदन के जरिए सरकार यह अधिकार चाहती है कि विश्वविद्यालय अनुदान आयोग को भी सशक्त करने के लिए और इसे सशक्त करने के लिए तुरन्त नहीं बल्कि भूतलक्षी असर से सशक्त करने के लिए इतने दिनों तक जो सरकार कमजोर थी, या विश्वविद्यालय अनुदान आयोग कमजोर था, उनकी कमजोरी भूतकाल में भी रही, उसको भी दूर करने के लिए विधेयक लाया जा रहा है और इनको भूतलक्षी प्रभाव से कानून बनाने या नियम बनाने का अधिकार दिया जाए, यह सरकार को स्पष्ट रूप से कहना चाहिए था ।

दूसरी तरह, सरकार के जरिए यह कहा जा रहा है कि जो यह अनुदान देते हैं या सुविधा देते हैं या सेवा कार्यक्रम आदि करते हैं, उनको वित्त पोषण करने में असुविधाग्रस्त महसूस करता रहा है । विश्वविद्यालय अनुदान आयोग जो अनुदान देती है, या कहीं सहायता देती है यूनिवर्सिटी को, विश्वविद्यालयों को, तो उसमें क्या सरकार का असुविधा रही है ? लेकिन मैं तो यह कहना चाहता हूं कि खुद विश्वविद्यालय अनुदान आयोग जो है, इसके कोई नियम नहीं हैं, कायदा नहीं है, कानून नहीं है और जो अनुदान देते हैं, उसका कोई आधार नहीं है और वह इसलिए मैं बताना चाहूंगा कि इनका कोई आधार नहीं है कि हिंदुस्तान के अंदर कितने राज्य हैं, उनमें सब से बड़ा बड़ा जनसंख्या के हिसाब से, आबादी के हिसाब से, संसद सदस्य के हिसाब से, संख्या बल के हिसाब से, सब से बड़ा प्रदेश उत्तर प्रदेश है और उत्तर प्रदेश में सरकार ने उत्तर दिया—मैंने क्वेश्चन किया था 11-9-1981 को और सरकार ने उत्तर दिया है कि केन्द्रीय विश्वविद्यालयों और विश्वविद्यालय समझी जाने वाली संस्थाओं को छोड़कर—विश्वविद्यालयों की संख्या—तो यह संख्या बताई और इसमें दिया है कि योजना के अन्तर्गत जो उन्होंने दिया सो, आयोग ने जो सहायता दी है, सो, उसमें उत्तर प्रदेश को दिया गया 11 करोड़ 35 लाख—जहां उत्तर प्रदेश की जनसंख्या इतनी है, वहां 11 करोड़ 35 लाख । उत्तर प्रदेश के बाद बिहार का स्थान जनसंख्या के हिसाब से आता है, उनको दिया गया है 4 करोड़ 62 लाख और उसी प्रकार—मैं यह नहीं कहता कि किसी और को क्यों दिया गया, महाराष्ट्र को दिया गया 12 करोड़ 65 लाख, मध्य प्रदेश जो पिछड़ा हुआ माना जाता है, उनको दिया गया है 7 करोड़, और मैं इसलिए इस सवाल को उठाना चाहता हूं कि जो दूसरे राज्य हैं...

[उपसभाध्यक्ष (श्री अश्विनी कुमार) पीठासीन हुए]

...गुजरात को 7 करोड़ 98 लाख, कर्नाटक को 6 करोड़ 82 लाख, तो मैं यह जानना चाहता हूं कि जो इन राज्यों को इतना पैसा दिया गया और बिहार और उत्तर प्रदेश को कम दिया गया, क्यों ? बिहार और उत्तर प्रदेश में युनिवर्सिटीज की संख्या भी कम, उनके ऊपर में दिए गए जो खर्च हैं, वह भी कम और तब यह मान कर के चलना

[श्री हुकमदेव यादव]

चाहिये कि जो राज्य पिछड़ा हुआ है, जनसंख्या ज्यादा है, आर्थिक और सामाजिक दृष्टिकोण से पिछड़ा हुआ है, जहां शिक्षा का प्रचार और प्रसार कम रहा, वहां सरकार ने, विश्वविद्यालय अनुदान आयोग ने अनुदान देने में कम दिया है और जहां के लोग ज्यादा मांगें हैं और जहां ज्यादा यूनिवर्सिटी खोले थे, उन प्रदेशों को विश्वविद्यालय अनुदान आयोग ने ज्यादा राशि दी है।

तो मैं सरकार से यह जानना चाहता हूं कि विश्वविद्यालय अनुदान आयोग क्या यह कानून बनाने के बाद इस असुविधा को सब से पहले दूर करके, जनसंख्या को आधार मान कर और राज्य का जो पिछड़ापन है, उसको आधार मान कर, जो राज्य जितने ज्यादा पिछड़े हैं और जहां जनसंख्या ज्यादा है, विश्वविद्यालय अनुदान आयोग वहा ज्यादा से ज्यादा अनुदान दें और वहां के विश्वविद्यालय को मजबूत बनायें।

में सरकार से यह भी निवेदन करना चाहूंगा कि सभी महाविद्यालयों को एक समान स्तर दिलाने के लिए सरकार कुछ काम करेगी। मैं दूर की बात नही करता, मैं अपने बिहार प्रदेश की बात उठाना चाहता हूं। हमारे बिहार राज्य में क्या है? उपसभाध्यक्ष महोदय, आप भी बिहार को जानते हैं, अभी बिहार में कुछ कालेज खोले गए। उन कालेजों में से मिथिला विश्वविद्यालय जिसको आप जानते है स्वर्गीय ललित नारायण मिश्रा के नाम पर खोला गया। ललित नारायण मिथिला वि० वि० के सीनेट और सिंडीकेट ने 13 महाविद्यालयों का नाम एक साथ भेजा बिहार सरकार के पास में कि आप इनको स्नातक स्तर तक के लिए जल्दी से जल्दी स्वीकृत करिए और सम्बद्धता प्रदान करिए इसमें से सरकार के जरिए 5 या 6 को दिया गया बाकी को नही दिया गया। एक लोहिया चरणसिंह महाविद्यालय है। जो सब शर्तों को पूरा करता है। मैं उसका सेक्रेटरी भी हूं और मुझे कहने में शर्म आती है कि जब उसकी मंजूरी के लिए गए तो कहा गया कि दस हजार रुपया खर्च करो तो हम सम्बद्धता देंगे। मैं मांग करता हूं कि जब 13 कालेजों को सिंडीकेट ने भेजा एक साथ, एक चिट्ठी में; एक प्रार्थना में, उसमें मेरे कालेज का तीसरा स्थान था, उसको मंजूरी नहीं मिली। अपनी मर्जी के अनुसार मंजूरी दे दी। पंडित जगन्नाथ मिश्रा जब आये तो उन्होंने अपनी मर्जी से जिसको चाहा दिया। मेरा यह भी आरोप है कि जो-जो कालेज पिछड़े इलाके में था, पिछड़े वर्ग के लोगों द्वारा खोला गया था, पिछड़े वर्ग के लोगों ने जिस कालेज को खोला था, उनको मान्यता नही दे करके बिना शर्त अन्य कालेजों को मान्यता दी गई। क्या विश्वविद्यालय अनुदान आयोग जांच करके उस विश्वविद्यालय के खिलाफ कार्यवाही करेगा, सरकार उनके खिलाफ कार्यवाही करेगी। 10 हजार रुपया एक कालेज की मंजूरी के लिए बिहार के शिक्षा विभाग ने मांगा और मैं इसका गवाह हूं और मेरा प्रिंसीपल जब गया तो उसको कहा कि दस हजार रुपया दे दो तो आपके कालेज को भी मंजूरी दे देंगे। मैं एक संसद सदस्य हूं। मैं माननीय मंत्री जी से पूछता हूं मुझे आदेश दे दें कि मैं 10 हजार रुपया जाकर दे दूं या नहीं तो इसकी जांच करवा करके, कार्यवाही करके पता लगाइये कि शिक्षा विभाग में ऐसा क्यों चल रहा है। अभी मैं आपका ध्यान और आकृष्ट करना चाहता हू, अभी हमारे बिहार में मस्टर रोल पर यूनिवर्सिटी मे कालेज में भी

टीचर बहाल हो रहे हैं । आज मैंने अखबार में देखा कि मस्टर रोल पर डेली वेजेज पर टीचर्ज को बहाल कर रहे हैं । सुना था लड़की के लिए, मिट्टी काटने के लिए, पानी भरने के लिए घरेलू नौकर के लिए तो मस्टर रोल पर बहाल किए जाते हैं लेकिन बिहार में यूनिवर्सिटी मे मस्टर रोल पर टीचर्ज को, लैक्चरर्ज को बहाल किया जा रहा है । इसके पीछे रहस्य क्या है । इसके पीछे एक ही रहस्य है वह है जातीयता का रहस्य । उसमें भरते चलो, मस्टर रोल के जरिए हो, जिस रोल के जरिए हो, जो कर सकते हो करो । पढ़ाई-लिखाई तो कुछ नहीं और केवल भरते चले जाओ । हमारे यहां कहावत है कि अस्पताल की दवाई और कालेज की पढ़ाई भाग्यवान को ही फायदा करती है । सब को फायदा नहीं करती है । किसी-किसी को फायदा कर जायेगी जिसकी तकदीर अच्छी होगी अस्पताल मे जाकर बीमारी छूट जायेगी और शिक्षा की पढ़ाई करने से वह काबिल बन जायेगा । जहां इस तरह की बात हो वहां क्या करेगा ? समान स्तर, समान वेतन, वह कोई कालेज हो हर कालेज के शिक्षक को जो एक स्तर का शिक्षक है उसको एक तरह का वेतन मिलना चाहिए और इस दिशा में साकार कार्यवाही नहीं करेगी तो नहीं होगा । जैसे माननीय सदस्य ने सवाल उठाया गवर्नर बनते हैं कुलाधिपति और और जो प्रोफैसर, जो टीचर राजनीतिक भावना से प्रेरित है और जो सत्ताधारी लोग होते हैं उनके हाथ का खिलौना बनते है । चाहे वह पढ़ाये, न पढ़ाये, उनको वहां वर्चस्व दिया जाता है । जो टीचर प्रतिभाशाली होगा, पढ़ाने वाला भी होगा अगर वह ध्यान देगा तो उसको उठा कर कहीं से कहीं फैंक दिया जाता है कि नहीं हमको ऐसा टीचर चाहिए जो हमारी राजनीति को विश्वविद्यालय मे और कालेज मे चलाए हमारे गठबन्धन को चलाये । सिंडीकेट और सीनेट में हमारा बहुमत कैसे बन सकता है, इस दृष्टिकोण से आप चलायेंगे तो इस विधेयक से क्या होने वाला है और इस कानून मे क्या होने वाला है । मैं आपसे यह भी निवेदन करना चाहता हूं कि आप कानून बना रहे हैं, आप कहते हैं कि हम अनुदान देंगे लेकिन पढ़ाई नही है । पढ़ाई है तो परीक्षा नहीं है । परीक्षा है तो समय पर उसका रिजल्ट नहीं है और रिजल्ट भी है, तो कोई विषय मे नंबर आ गया, कोई विषय में नंबर पता नहीं है । इसको कौन रोकेगा ? कौन रोकेगा, इसकी जांच कीजिए..**समय की घंटी**.. आपकी यूनिवर्सिटी तो भ्रष्टाचार का अड्डा बना हुआ है । और जगह को नही कहूंगा, दिल्ली मे ही विश्वविद्यालय में यह घुस गया है, बिहार में तो खास तौर पर है । फर्स्ट क्लास किसको मिलता है फर्स्ट क्लास तो क्या, किराए पर पी०एच०डी० की थीसिस लिखाते है और जिसे लिखा कर लोग डाक्टर की उपाधि लेते है । मैं नाम नहीं लूंगा, बिहार विधानसभा में उस किताब को लेकर सदन के पटल पर रख दिया गया था । बिहार के एक मशहूर नेता, जिन्होंने थीसिस लिखाई और दिखा दिया, कही का ईंट कही का रोड़ा, भानुमति ने कुनबा जोड़ा, तो इस प्रकार थीसिस लिखाकर पी० एच० डी०, डी० फिल०, की उपाधि ले लेते हैं और जब कि 16 दूनी आठ और काला अक्षर भैंस बराबर है, वे उपाधि ले लेते है । क्या विश्वविद्यालय अनुदान आयोग इस संबंध में कुछ करेगा ?

आखिर मे मैं यह कहना चाहता हूं कि प्रक्रिया लंबी बनाई गई । आप तो यह कहते हैं कि हम कालेज को देखेंगे, जांचेंगे, फिर उसको लिखेंगे, सरकार उस पर कार्यवाही करेगी । सरकार क्या कार्य-

[श्री हुक्मदेव नारायण यादव]

वाही करेगी ? विश्वविद्यालय अनुदान आयोग जांच पड़ताल करने के बाद मान लेती है, कि कोई उसकी शर्तों का पालन नहीं करता, नियमों का उल्लंघन करता है तो विश्वविद्यालय अनुदान आयोग क्यों नहीं उसकी मान्यता को खत्म करेगा, क्यों नहीं उसको बंद कर देगा। विश्वविद्यालय अनुदान आयोग लिखेगा सरकार को और सरकार का एक सफेद पोश हाथी, सरकार का वह व्हाइट एलीफेंट विश्वविद्यालय अनुदान आयोग जो रिपोर्ट देगा, उस पर नुक्ताचीनी करेगा और उसकी कलम को पकड़ेगा कौन, हम लोग, जो राजनीतिक लोग हैं, उसकी कलम को पकड़ कर लिखाएंगे। विश्वविद्यालय अनुदान आयोग कहेगा कि इस कालेज को बंद करो और वे कहेंगे कि कालेज को चालू रखो। विश्वविद्यालय अनुदान आयोग ने जो अपनी रिपोर्ट सरकार को दी है, वह बेकार है। यह आपकी सरकार की तानाशाही होगी। आप यह कानून बनाकर लोगों को भ्रम में डालना चाहते हैं। तो मैं कहना चाहता हूं कि यह कानून के जरिए आप सरकार के हाथ मजबूत करके सरकार को तानाशाह बनाना चाहते है और सरकार के जरिए नियम का उल्लंघन कराना चाहते है। आप क्या नियंत्रण कराएंगे। सरकार जिस कालेज को चाहे, वह रहे। विश्वविद्यालय अनुदान आयोग केवल पोस्ट आफिस का काम करेगा, एक लिफाफा चिट्ठी लिख देगा एजुकेशन मिनिस्टरी को, कि इस कालेज में यह गड़बड़ी है। एजुकेशन मिनिस्टरी की मर्जी है कि चाहे तो वह माने या न माने। विश्वविद्यालय अनुदान आयोग सरकार की शरम में झुकते रहेंगे। विश्वविद्यालय अनुदान आयोग से कुछ होने वाला नहीं है और इस प्रकार स्वतंत्र काम नहीं हो सकेगा।

अब अंतिम बात कहकर मैं समाप्त करूंगा उपसभाध्यक्ष महोदय...

श्री जे० के० जैन (मध्य प्रदेश) : मैं आपकी बात मानता हूं। लेकिन चौधरी चरणसिंह जी जब सत्ता में आए तो पूरे विश्वविद्यालयों का जो आगे का प्रोग्राम था, उनके लिए अनुदान देना बंद कर दिया था। यह आपके रिकार्ड की चीजें है। आप यह बताइए तो सही कि किस चीज से होगा ?

श्री रामचन्द्र भारद्वाज (बिहार) : उनको यह भी मालूम है कि कैसे बिहार में एक चीफ मिनिस्टर ने प्राफेसर उठाया... (**व्यवधान**)...

श्री हुक्मदेव नारायण यादव : इस तर्क का जवाब जब कभी समय आएगा, उस वक्त मैं जवाब दे दूंगा। इन प्रश्नों का उत्तर मैं दे दूंगा। अभी तो उन प्रश्नों का उत्तर मुझे नहीं देना है बल्कि अपनी बात कहना है। (**समय की घंटी**)

मैं अभी यह निवेदन कर रहा था कि जो यह कहते हैं कि पैसा लेकर के इंजीनियरिंग कालेज या पैसा लेकर के मेडीकल कालेज चलाते हैं। यह महाराष्ट्र का सवाल है, महाराष्ट्र और कर्नाटक की बात नहीं है। मैं बिहार की बात करता हूं। बिहार में जगन्नाथ मिश्रा और श्री गांधी ये दोनों बिहार के मंत्री थे और इन दोनों आदमियों ने सरकार के पद पर रहते हुए कितना हीन और नीच काम किया है, मैं मांग करता हूं कि भारत सरकार इसकी जांच करे। अपने अपने लोगों को जाति के नाम पर पंडित जगन्नाथ मिश्रा ब्राह्मणों के लिए कालेज खुलवा रहे थे, तो दूसरी जाति दूसरी जाति के लिए, तीसरी जाति राजपूत का कालेज खुले... (**व्यवधान**)...

श्री जे० के० जैन : पश्चिम बंगाल में जांच करवाओ, जहां कि सी० पी० एम० की सरकार है और उसकी जांच कराइए वहां

एक-एक अध्यापक सी० पी० एम० का वर्कर है। उसकी आप जांच करा लो। आप बिहार की ही क्यों बात करते हैं।

उपसभाध्यक्ष (श्री अश्विनी कुमार): आप अपनी बात पूरी कीजिए।

श्री हुकमदेव नारायण यादव: मैं यह कह रहा था कि जो दस नए मेडीकल कालेज खोले गए हैं या इंजीनियरिंग कालेज खोले गए बिहार में, उनमें लूटा गया है।

30 हजार, चालीस हजार, पचास हजार, साठ हजार जितना भी मन में आया रुपया ले लिया गया है और न कहीं अस्पताल है और न कोई और दूसरा इंतजाम है। पहले चार कालेज खुले थे। अब मैं आप से कह रहा हूं। कर्पूरी ठाकुर पहले चीफ मिनिस्टर थे जिन्होंने उस समय जितने कालेज खुले थे सरकार ने उन को अपने हाथ में ले लिया और कहा कि नये कालेज अब नहीं खुलेंगे। [illegible] की सत्ता आयी बिहार में और [illegible] प्राइवेट मेडिकल कालेज और इंजीनियरिंग कालेज खोलने का काम किया बिहार में। इस का इतिहास साक्षी है। आप जांच करा कर देख लीजिए कि मैं सत्य कह रहा हूं या असत्य कह रहा हूं। गरीब की प्रतिभा को रोकना [illegible] है। अमीर का बेटा जाय और पैसे के बल पर इंजीनियर और डाक्टर की डिग्री हासिल कर ले और गरीब का बेटा यूं ही रह जाय यह तो उचित नहीं है। अमीर के बेटे को उस के [illegible] पर जल्दी ही सरकारी नौकरी भी मिल जाती है। इस लिये अगर सरकार की नीयत साफ है तो [illegible] लगाने से और दुनिया जहान से [illegible] लगाने से कुछ नहीं होगा। सरकार का इरादा अगर मजबूत है और आप का यह बिल बहुत अच्छा है, यह एक अच्छा काम है इस लिये मैं इस का समर्थन तो कर रहा हूं, विरोध में आप के अच्छे इरादे के कारण नहीं कर रहा हूं। यह नहीं कहना चाहता कि आप कुछ नहीं करना चाहते, आप अच्छा काम कर रहे हैं और इस लिये मैं इस का समर्थन करता हूं इस प्वाइंट पर कि आप का इरादा है लेकिन आप करेंगे नहीं, करेंगे नहीं, करेंगे नहीं, इसलिये कि यह देखा गया है कि प्राइवेट मेडिकल कालेज और इंजीनियरिंग कालेज खुलते चले जाते हैं क्योंकि कांग्रेस में बड़े से बड़े और कांग्रेस के अलावा दूसरी पार्टियों के भी बड़े-बड़े राजनीतिक नेताओं का वे अड्डा है और और वहां जनता का शोषण हो रहा है उन का सारा भ्रष्टाचार वहीं से चल रहा है और उन को पैसा मिलता है, उन की राजनीति को बल मिलता है। आप उन अड्डों को तोड़ेंगे नहीं और अगर आप उन पर उंगली उठाने का काम करेंगे तो वे आप का हाथ काट लेंगे। वे आप के गले को मरोड़ लेंगे। आप की कलम टूट जाती है उन के खिलाफ कुछ करते हुए और इसलिये आप उन अड्डों को समाप्त नहीं कर सकते। अगर इस के लिये संकल्प हो तो बहुत अच्छा है। आप कीजिए और हम लोग आप को इस में पूरा समर्थन देंगे, आप के साथ रहेंगे।

श्री जे० के० जैन: आप ने अस्पताल का नाम बदल कर राम मनोहर लोहिया अस्पताल नाम रख दिया। अपने लीडर को आप पहले मनाइये।

SHRI JASWANT SINGH: Sir, I am on a point of order. My point had actually arisen when the hon. Member here was making a submission. Not wanting to interrupt either his

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flow of thought or his speech, I deferred raising it. I am also somewhat hesitant in raising it because it is directed against the conduct of the esteemed lady who holds the portfolio of Minister of State for Education. Sir, the facility for official consultation to the Treasury Benches is provided so that the Treasury Benches are enabled to meet points made by Members. There was a certain allegation made by the hon. Member about transference of certain sums of money for colleges, etc. The hon. Minister of State for Education and Culture, while continuing to sit in her seat, consulted officials in the Official Gallery by voice and received whatever advice that she was to receive, in that manner. The manner in which advice from he Official Gallery is to be given to the Treasury Benches is in written form. It is not for Ministers to consult officials while sitting in their seats. This is something which has happened now, and I did not mean at that stage. . . . .

श्री जे० के० जैन : यह क्या फालतू का चार्ज लगा रहे है । आप क्या इस की परमीशन दे रहे हैं । दिस इज आल इरिलिवेंट । क्या यह कोई तरीका है ?

उपसभाध्यक्ष (श्री अश्विनी कुमार) : आप उन को अपनी बात तो कह लेने दीजिए ।

श्री जे० के० जैन : What is there on the record, please see. . . . . *(Interruptions)* उन को फालतू एलीगेशन लगाने की आदत पड़ गयी है । और आप उन को इंकरेज कर रहे हैं । आप उन को इंकरेज मत करिये । उन को कहिये कि वे बैठ जायें । यह तो सब फालतू चार्जेज लगाये जा रहे हैं ।

उपसभाध्यक्ष (श्री अश्विनी कुमार) : उन को बोलने तो दीजिए ।

SHRI J. K. JAIN: No, Sir, This is not proper. We take serious objection.

श्री हुक्मदेव नारायण यादव : जैन साहब खुद कुछ देर पहले चार्ज लगा रहे थे । क्या उन को ही इस की पूरी आजादी है ।

SHRI J. K. JAIN: We have serious objection.....*(Interruptions)*. . . .

जिन कालिजेज के भवन अधूरे पडे हुए थे उन के लिये भी आदेश दे दिया गया कि अब उन को पैसा नही मिलेगा ।

उपसभाध्यक्ष (श्री अश्विनी कुमार) : मेरा निवेदन है कि आप बैठ जायें । **(व्यवधान)**

श्री हुक्मदेव नारायण यादव : मेरी आवाज भी बहुत ऊंची उठ सकती है । आप का संख्या बल ज्यादा हो सकता है, लेकिन . . . **(व्यवधान)**

श्री जे० के० जैन : नो सर, अगर उन को ऐसी कोई आपत्ति थी तो उसी समय कहते कि ऐसा उन्होंने देखा । लेकिन यह क्या कोई तरीका है कि मिनिस्टर पर इस तरह से खडे हो कर चार्ज लगा रहे है । We cannot tolerate this. Please ask him to sit down.

उपसभाध्यक्ष (श्री अश्विनी कुमार) : मिनिस्टर साहब जवाब दे देंगे, आप बैठिये ।

श्री जे० के० जैन : कुछ परंपरायें होती है हाउस की । किस चीज का वह जवाब दे देंगे ? आप कोई भी चार्ज मेम्बर से लगवा देंगे, फिर जवाब दे दिया जाएगा ? . . . **(व्यवधान)**

उपसभाध्यक्ष (श्री अश्विनी कुमार) : अगर उसका उत्तर देना होगा तो दिया जाएगा, नही तो बात खत्म कर दी जाएगी । . . . **(व्यवधान)**

श्री हुक्मदेव नारायण यादव : इन्होंने कहा कि मैम्बर से खडे होकर चार्ज लगवा देंगे, यह चेयर के प्रति शोभनीय है ? इसका मतलब क्या है कि आप किसी दल से संबंधित हैं और आप इंस्टिगेट कर रहे है, आप चार्ज लगवा रहे हैं ? अगर आप चार्ज लगवाइयेगा तो... **(व्यवधान)**

उपसभाध्यक्ष (श्री अश्विनी कुमार) : आसन पर इस प्रकार का आरोप लगाना उचित नहीं है, उनको बात कहने दीजिए ।

SHRI JASWANT SINGH: Sir, my point is very simple, which I reiterate. This is not a personal allegation. It is about decorum and conduct of proceedings inside the House. The Treasuryy Benches are rightfully entitled for their efficient functioning to access to officials and official consultation. The manner of official consultation is by written note which is ordinarily accepted. Should the Minister while sitting on her seat choose to consult verbally with the official gallery because the attendance in the House is low, it is against the decorum of the House. (*Interrupsions*)

SHRI J. K. JAIN: Sir, this is too much. What is all this going on here?

उपसभाध्यक्ष (श्री अश्विनी कुमार) : देखिए, मैं खड़ा हूं, आप शान्त रहिए । आपने बात कह दी ।... **(व्यवधान)**

श्री जे० के० जैन : ऐसा कहां क्यों जा रहा है ?... **(व्यवधान)**

उपसभाध्यक्ष (श्री अश्विनी कुमार) : मैं अध्यक्ष महोदय को बता दूंगा, इस प्वाइंट आफ आर्डर से परिचित कराऊंगा । जो डिसीजन होगा वह आ जाएगा ।... **(व्यवधान)** जो डिसीजन अध्यक्ष को देना है, वह दे देंगे । उनकी रेकार्ड पर जो चीजें आई हैं वह चली जाएंगी । **(व्यवधान)**

AN HON. MEMBER: He is commenting on the attendance of the Treasury Benches.

DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra): What did the Minister do? It is a wrong allegation that he is making. (*Interruptions*).

SHRI J. K. JAIN: Sir, you are encouraging it.

SHRI R. RAMAKRISHNAN (Tamil Nadu): If the Minister had done like that, she disturbed no one. And he should have raised it at that time. I was also sitting. I did not see any talking. If she has done it without disturbance, there is no harm. There is no harm. There is no point of Mr. Jaswant Singh raising it.

SHRI J. K. JAIN: It is in very cheap taste. Whatever Mr. Jaswant Singh has said is in very cheap taste.

THE VICE-CHAIRMAN (SHRI ASHWANI KUMAR): Mr. Kalyanasundaram.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, on the point of order, I will ask him to drop it because it is not fair. Even if the hon Minister had consulted through gesture, she did it without disturbing the proceedings of the House. And we must be chivalrous to our lady Minister. Even if she had done it, it should not be made much of.

SHRI R. RAMAKRISHNAN: Mr. Jaswant Singh is requested to drop the point.

SHRI M. KALYANASUNDARAM: Now you have called me to speak on the Bill.

SHRI JASWANT SINGH: There is no question of that. Whatever I have said, I have said.

SHRI M. KALYANASUNDARAM: Sir, let me proceed with my speech. This Bill, although it seeks to curb

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or check the dangerous practice of capitation fees and corruption in private colleges, will in no way secure the objective.

Very difficult. This Bill has been introduced to make a basic change in the educational policy through an amendment. If one goes through the various clauses, the impression one will get is that it regularises the opening of private colleges, both in medical and engineering and such other professional faculties. It is not aimed to curb but to regularise it. The provisions contained in the proposed clause 3, are already there in the enactments which have brought into existence the various universities in the States. The State Legislatures have enacted laws for the conduct of those universities. Provisions are there even for granting affiliations or refusing affiliations or even cancelling affiliations. Now more or less the same provisions in those university acts are being enacted. Will it not amount to dual power? The universities are there to control all these private institutions, and here the University Grants Commission takes simlar powers to issue notice or to frame regulations and to issue notices directly to the colleges. The power is given to frame a regulation inconsultation with the universities and other institutions. But while taking action against the colleges, the University Grants Commission can take the action straightaway. The colleges are under the supervision of the universities. When there is a sort of dual control, I do not know how it is going to be implemented. At the time of implementation it is capable of creating a lot of mischief. So, that is why, I feel it is unnecessary and unwanted.

If the Government is so serious about putting an end to this evil of capitation fees and coruption in opening private colleges, they can very well do so. They can stop all these things by a separate legislation. This kind of provision would indeed enable such institutions to carry on their business unchecked. Even in cases where they want to take any action, they can go to a court and file a writ and get a stay and carry on. So, his Bill is not at all warranted, and it will not serve the purpose for which it has been brought.

So, what should be done? If the Government is so serious about putting an end to the capitation fees and corruption in private institutions, a policy decision must be taken. Even without an act they can do it. They can direct all the State Governments and universities not to permit private colleges to be opened in engineering, medical and other faculties.

I find this is not confined to any State. Irrespective of the parties which are ruling those States, in almost all these States this evil has become very menacing to the students. What I find is, even in Tamil Nadu this year they have permitted a large number of polytechnics for the diploma courses. Each student is asked to pay Rs. 15,000 in cash. A seat can be got by giving Rs. 15,000. Engineering colleges also to be opened. So, Tamil Nadu also trying to copy other States. This evil has been there in every State. Now it is spreading even there.

Sir, in that what will be the morale of the students? The students become victims of corruption while getting seats in institutions. He is being moulded amidst corruption. What will happen? Any one who become an engineer or a doctor what will be his service? Will he be his service to the country or to the society? So, this is taking a very dangerous proposition. So we should be put an end to that practice. There can be no two opinions. But this Bill does not help that objective and I am say that the Government can very well control it even by an order.

Sir, who are those people and influential people who formed trusts?

Those trusts are indulging in large scale malpractices. I do not mind permitting the old institutions. There are some very old catholic and private colleges which are running and I feel they should not be disturbed. I am not aiming at them. They should not be disturbed. In fact they should be permitted. But those trusts which are formed recently during the past 10 years or so only for the purpose of solving the blackmoney of those industrialists who have secured lot of blackmoney, who do not know how to use that blackmoney have created such trusts and started colleges so that they can spend more money. The blackmoney is converted into white money by starting such institutions. They are opening more and more colleges. They have got some of professors and teachers under their control as bonded labourers. (*Time bell rings*) Sir, I will take less than five minutes to conclude my speech. I have seen from my experience to own even a factory is not so easy, to maintain and to get the cooperation of the workers today are asserting their rights. But to run a factory by the management is not easy. But they can control hundreds of professors and teachers and treat them as bonded labourers. They get their signatures for Rs. 1000/- and pay them Rs. 700/- This is what is happening. Why should they take recourse to such an indirect method? The powers are there with the universities to check such malpractices. If the University Grants Commission had guts, had the integrity to go into those problems they should have submitted a report.

Sir, I have gone through several Annual Reports of the University Grants Commission and there is no such mention about it. They have not even given cognizance to such a Bill in their reports. What does it show? Sir, the functions of the University Grants Commission itself needs to be probed. In none of these Annual Reports they have made a reference to it. They have not given any directives to the Universities. So, I feel that the University Grants Commission and the Central Givernment can give directives to the Universities and the State Governments not to permit opening of such private schools in such a large number, by charging capitation fee, except some charitable institutions who come with a philanthronic motive, they should be considered, and not for those people who want to use education for their own profiteering.

THE VICE-CHAIRMAN (SHRI ASHWANI KUMAR): Shri S. K. Sahu.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to say a few words on the Universty Grants Commission (Amendment) Bill, 1984, and I fully support the Bill. Sir, the Bill is mainly meant for augmenting the objectives of the University Grants Commission. The UGC Act was first passed in 1956, and need to be amended. Now, the basic question in the amendment as pointed in the objects is three. The first as pointed out by the Subordinate Legislation Committee is to create safeguards so that regulations and enlargement made with retrospective effect so as to prejudicially affect the interests of any person who will be governed by such rule or regulation.

Sir, it is not only in this case; it is in every Act. It is taken as accepted that when any regulation is made which has retrospective effect, there must be a certificate given that it does not affect prejudically any member to whom such regulation applies. So it is natural that such a provision must be there in the Act. There is nothing wrong in it.

The second question is that for some time past the University Grants Commission has been feeling handicapped in setting up establishments and financing the same to provide common facilities, services, programmes, etc., for a group of universities or for the universities in general. Some of the Members have

[Shri Santosh Kumar Sahu]

become very critical of this provision and it has been sought in clause 2 to insert the following sub-section (ccc) in section 12 of the Act:

> "establish, in accordance with the regulations made under this Act, institution for providing common facilities, services and programmes for a group of universities or for the universities in general and maintain such, institutions or provide for their maintenance by allocatnig and disbursing out of the Fund of the Commission such grants as the Commission may deem necessary;"

Sir, while considering this aspect, many of the friends have become critical. I would like to tell them that the concept of university has also gradually undergone a great change in the world. First, if we go into the principle of a university, there is a book written by Cardinal Newman, "The Idea of a University" where a certain kind of university was envisaged. And that idea has changed. Then we came to another thought process of Hutchinson when he wrote another book, "The Idea of a Modern University". Now we have come to a stage when we see in the developed conutries a multi university concept emerging, where a grup of universities concentrate on certain particular subjects. If this is meant by the amending provision, it is nothing wrong. Sir, I would like to give you the latest trend in universities from the most developed country, the United States of America. There you find three such groups of universities. One group is Harvard, Boston and the Massachusetts Institute of Science. The second group is Western California and the Coast universities. And the third is the Boston-Chicago group. And California West group contributes 30 per cent of the Nobel laureates of the world. Imagine how far scientific and technical education has advanced in the world.

Sir, in India the University Grants Commission, whatever the criticism may be, has in the past done immense service to the development of higher education and to the development of universities in the country. Now when science and technology are undergoing revolutionary changes throughout the world, no country can expect to see that higher education does not develop. This is so not only in capitalist countries but even in socialist countries. I have visited the USSR, the country which has given the utmost importance for development of education and research, as a result of which without any help, they can stand on their own feet today in the world. The fundamental point today is that education, specially higher education, is one of the most crucial inputs for the progress of the nation as a whole. Without development of science and technoloby, probably we cannot compete with the fact changing world today. So it is very important that the University Grants Commission must sometimes imbibe certain new ideas. This Bill is a step forward. I would like to ask the hon. Minister one question. If you want to provide common facilities under this Act for a group of universities, it is welcome and it will help in the promotion of research and academic atmosphere. But I would only like to ask whether we have augmented the funds for the UGC so that we can create certain institutes like that. We talk of the capitation fee and other thing. Let us go to the genesis of the problem. Why is capitation fee charged by certain private colleges? It is because we have no proper manpower plannig in the country. If we have proper man-power planning as in the socialist countries, as to how many engineers are required in what sector, colleges can be developed to bring out so many engineers in so many years. There should be proper perspective man-power planning.

4 p.M.

Probably that would have been clear like in many of the socialist countries and the people would not have been rushing to the private engineering

colleges. Secondly, as we have seen today if the country needs more number for engineers and doctors, then the institutions that are there under the Government should be strengthened and expanded. There was a time when we did not have enough number of technical institutions for want of funds or whatever may be reason. The other thing is there is no proper manpower planning. The policy of education in socialist countries is totaily job-orineted. The moment the man finishes his education today in Russa, he gets a letter for a job for which he has been trained. But unfortunately what we find in India today is people are trained in general education, in law and such other subjects, and they remain unemployed, they move about in the streets for work, for livelihood. On the other hand, there are countries, there are States in India itself, which are much more developed, where there are a lot of industries set up, there are State here where there are many Central projects coming up but there are no technically trained persons in their own State to man them. So there is a terrible crisis developing in our socio-economic structure. This aspect must be properly taken care of. The University Grants Commission must take a proper look at this aspect. In fact, that is one of the objectives. They have a cell in the Education Department for manpower. But then we have not reached a stage where this cell can be organised in a scientific way as it is done in other countries. So this should be given high priority.

The next point is one of our education committees should look into this that the student enrolment in our universities and colleges has increased from 29.52 lakhs in 1981-82 to 31.37 lakhs in 1982-83. The rate of growth was 6.3 per cent as against 7.3 per cent. The rate of growth has decreased. This is also a fundamental question and we have to probe into it. It is a social cause because every student goes for higher education and if his training and education is not utilised for the development of the country, if he remains jobless, if he roams about in the streets, he creates a social havoc, there will be frustration which in turn will create a lot of bad effects on the society. So this thing should be gone into.

Then I come to the very important point of capitation fee which has been the subject-matter of discussion here lately. I have given you the genesis of the problem. We have nomanpower planning. For creating training facilities somewhere some people organise these institutions. Of course, one good thing is that the Central Government has taken steps to see that the fees are not higher, that the students are not harassed and that meritorious students do not suffer in getting admission for want of money. But at the same time, as Prof. Rao has beautifully put it, it should not create more chaos, these enactments or amendments should not lead to greater chaos by way of interference by UGC in the activities of the universities which are running smoothly. I would, therefore, suggest to the honourable Education Minister that a meeting of all the Vice-Chancellors may be called in Delhi and they may be told there that from such and such day if capitation fee is charged or is alleged to have been charged by any institution, that institution will be disaffiliated from the concerned university or they will be debarred from getting any grants from the UGC. Such a step will serve as a deterrent to those indulging in the collection of capitation fee so that no man will ever dare open institutions private institutions for medical and engineering courses and fund them with capitation fees. Mr. Kalyanasundaram was also speaking about this particular point; I know many of the private colleges where the lecturers are paid much less than what is shown in the acounts books and the mannagement takes away a big chunk of their salaries in a stealthy manner, in an unauthorised manner. What will be the impact of this on the youth of the country? This requires urgent consideration.

(Shri Santosh Kumar Sahu)

The UGC has brought some sort of a scheme and I congratulate the honourable Minister, and I hope when a comprehensive Bill is prepared and brought, all these aspects will be taken care of in that with necessary remedial measures added thereto.

There is another important point which Prof. Rao has clearly mentioned and that is that by this power the UGC may go to any college or institution it likes, it chooses, to interfere with its administration. If you disaffiliate colleges without discussing the matter with the Vice-Chancellors and State Governments, the students will be the worst sufferers. On a previous occasion during this discussion it was pointed out here how many students were suffering in this way.

I not only support this Bill, but urge the Government of India to see that the University Grants Commission whose job is to promote higher education, to bring about scientific development through education and to provide research-oriented education to students and to train manpower. For carrying out these objectives they should have sufficient funds so that they could start more Central Universities in backward areas. At the last conference of Vice-Chancellors they had recommended this so that it can give a new hope to the people in these backward areas. This will be creating a new horizon of hope for them.

Through the process of man-power planning, it should be possible to train technological personnel in the country with a motive for national service. This motive can come only through education. In the USSR I found young boys from the beginning of their education being motivated through patriotism. We have chaos in the country because of lack of that urge to serve the country. For us education has no purpose and having nothing else to do our boys simply go to colleges and universities. If this attitude continues our country will suffer.

Now I am glad that the Government, through this Bill, has taken the right step. Still they will have to take more drastic steps because education is the backbone of the country. We can create a bright future for India if we could create this urge to work for the country in the minds of our young boys and girls.

With these words, I congratulate the Hon'ble Minister for bringing forward this Bill.

श्री धर्मचन्द्र प्रशान्त (जम्मू और काश्मीर) : आज जो विधेयक सदन के सामने है मैं उसका पूर्ण समर्थन करता हूं, इसलिए कि यह एक अच्छे उद्देश्य के लिए हमारे सामने लाया गया है । जैसा कि मंत्री जी ने अभी कहा कि कालेजों की संख्या बहुत बढ़ रही है और उसके साथ कैपिटेशन फीस भी बहुत बढ रही है तो उसके संबंध में यह विधेयक है ।

[उपसभाध्यक्ष (श्रीमती माग्रेट आल्वा) पीठासीन हुई]

यह कैपिटेशन फीस हमारे राज्यों में इतनी बढ़ी है कि लोग इसको बजाय कैपिटेशन फीस के, पगड़ी फीस कहने लगे हैं । इस विधेयक से मेरा कोई ऐतराज नहीं है । केवल मैं एक बात का इशारा करूंगा और वह यूनिवर्सिटी की आटोनामी की बात है । यूनिवर्सिटीज आटोनामस बाडीज हैं, इनमें पोलिटिकल इन्टरफेयरेंस इतना बढ़ रहा है कि इनका जो आटोनामस लक्ष्य है वह बहुत नीचे जा रहा है । हमारे जो राजनीतिज्ञ है उनका इन्टरफेयरेंस हो रहा है जिसके कारण यूनिवर्सिटियों में आप देखते हैं कि विद्यार्थी उच्छृंखल होते हैं, आग लगाते हैं, लाइब्रेरीज तक जला देते हैं । ऐसे ही 1968 की बात है, मैं बनारस में था, वहां संस्कृत यूनिवर्सिटी के प्राध्यापक आचार्य गौरी नाथ जी को संस्कृत के विद्यार्थियों ने पत्थरों से मारा था । तो यह जो अनुशासनहीनता है यह भी, जो

पोलिटिकल इन्टरफेयरेंस है, उसके कारण से बहुत ज्यादा हो रही है ।

यूनिवर्सिटी का स्टेट्यूट जो है, उसको हम पढ़ें तो पता लगेगा कि यूनिवर्सिटी अटानोमस बाडी है, परन्तु उसके जो सब से ऊपर है, राज्यपाल, जोकि चांसलर के रूप में यूनिवर्सिटी की कौंसिल की अध्यक्षता करता है, यूनिवर्सिटी के अपने छोटे-छोटे बोर्ड्स है, कमेटीज़ है, सिंडिकेट हैं, उसके ऊपर कौंसिल है, जिसके अध्यक्ष, गवर्नर हैं, जो चांसलर के रूप में हैं, वह बैठते हैं । उसके नीचे प्रो-चांसलर है, जोकि मुख्य मंत्री है हर रियासत का ।

मैं अपने राज्य के सन्दर्भ में कहूंगा कि वहां पिछले वर्ष एक विधेयक पेश हुआ था असेम्बली मे जोकि पास नही हो सका और जो मुख्य कारण था, वह पालिटिक्स थी । इसके अलावा आज यूनिवर्सिटीज़ के बारे में जो कहा जाता है कि अटानोमस बाडी है, उसमें चीफ मिनिस्टर्ज़ और दूसरे मिनिस्टर्ज़ इन्टरवीन करते है, टेलीफोन करते हैं कि उस प्रोफेसर की नियुक्ति करो, उसकी न करो, स्टुडेंट्स की जो एडमिशंस हैं, उसमें इन्टर-फियरेंस होती है, ट्रांसफर्ज़ होती हैं तो उसमें इंटरफियरेंस होती है ।

अभी एक अध्यापक मेरे पास आया—दो महीने की बात है—कहने लगा कि मेरी यहां सर्विस खत्म हो रही है, मुझे एक साल की एक्सटेंशन मिलनी चाहिए । मैंने कहा कि वाइस-चांसलर को क्यों नही कहा ?

उसने कहा कि वाइस-चांसलर को कहा था, पर उन्होंने कहा कि मेरे पास पावर्ज़ नहीं हैं, पावर्ज़ सारी चीफ मिनिस्टर के पास हैं । अब यूनिवर्सिटी की अटानमी में जब तक प्रशासन की ओर से पूरी इंटरफियरेंस हो, वाइस-चांसलर की नियुक्ति होती है स्टेट्यूट के मुताबिक एक कमेटी बनती है, सिलेक्शन कमेटी जोकि वाइस-चांसलर की नियुक्ति करती है, परन्तु उस कमेटी ने अभी काम भी नहीं शुरू किया होता है, उसकी नियुक्ति पहले हो जाती है ।

इसलिए यह जो इस कद्र पोलिटिकल इंटरफियरेंस या राजनीतिक हस्तक्षेप है, यह बंद होना चाहिए, लेकिन यह यूनिवर्सिटी के अधिकार में नही है और न ही शिक्षा मंत्री के अधिकार में है, क्योंकि यह स्टेट सबजैक्ट है । लेकिन यूनिवर्सिटी ग्रॉंट्स कमीशन हर यूनिवर्सिटी को ग्रांट देती है और लिबरल ग्रांट देती है, अगर लगाम सारी स्टेट गवर्नमेंट के पास है, मगर एक डोरी यूनिवर्सिटी ग्रांट्स कमीशन के पास है, तो वहां पर कमेटीज़ जाती हैं, यूनिवर्सिटी ग्रांट्स कमीशन द्वारा वहां कमीशन भेजे जाते है, तो उनको कम से कम यह कहा जाए कि भाई इतना इंटरफियरेंस न रखो । अगर इस कद्र पोलिटिकल इंटर-फियरेंस चलता रहा, तो यूनिवर्सिटीज़ को जिस ध्येय के लिए बनाया गया है, वह सुधरेंगी नहीं, बिगड़ती जायेंगी ।

इसके अलावा यूनिवर्सिटी ग्रांट्स कमीशन ने यह कहा था कि पे-सकेल्ज़ आफ टीचर्ज़ पांच साल के बाद रिवाइज़ होने चाहिएं । उसकी तरफ कोई ध्यान नही दिया गया है । मैं शिक्षा मंत्री जी से कहूंगा कि यह जो पे-स्केल्ज़ हैं, पांच साल के बाद रिवाइज़ होने चाहिएं क्योंकि समय बहुत महंगा हो रहा है ।

श्रीमन्, जम्मु यूनिवर्सिटी ने शिक्षा मंत्री जी के पास एक लैटर भेजा था कि वहां एम०वी०ए० कोर्स शुरू किया जाए । उन्होंने लिखा था कि यह मामला अण्डर कनसिड़ेशन है, परन्तु यह नहीं हुआ ।

तो यह वहां शुरू किया जाए और उसकी बड़ी जरूरत है ।

यह कह कर मैं अपना भाषण समाप्त करता हूं । धन्यवाद ।

PROF. (MRS.) ASIMA CHATTERJEE (Nominated): Madam, Vice-Chairman, I would like to take more time for speaking on this Bill and, therefore, I seek your indulgence in allowing me to do so.

Madam, I will associate myself with the proposal of the honourable Minister to take into consideration the University Grants Commission (Amendment) Bill. Before doing so I would like to make a few observations as I have been associated with the University Grants Commission for more than two decades in various capacities.

Madam, the University Grants Commission, as mentioned by the honourable Minister, was set up in December, 1953 and it became a statutory body in 1956 by an Act of Parliament. The late Dr. S. S. Bhatnagar was the first Chairman and he was functioning as Chairman in addition to attending to the work of the Ministry of National Resources and Scientific Research. The U.G.C. Act was amended in 1972 when Prof. S. Nurul Hasan was the Minister of Education, Social Welfare and Culture. There is a provision in the Bill and that is that the University Grants Commission Act which provided under section 14 that if a University were to fail to comply with the recommendations of the Commission made in sections 12 and 13 of the U.G.C. Act, then taking into consideration any explanation, if any, furnished by the University the Commission could hold grant from the University. But there are two other provisions of the original Act, the principal Act—sections 25 and 26 with regard to various powers like furnishing of returns and maintenance of sandards by re-structuring of courses from time to time and modernising the syllabi to meet the social objectives. There had been a consistent demand that the U.G.C. should play a more positive role in determining the standards of higher education. Since the Universities provide a reasonably good barometer to the standard of education and since the Universities feed schools and colleges, vocational institutions, research institutions, various industries and administrative organisations with competent personnel, the University education should be concerned more with quality and not with quantity. Thereby the Bill seeks the amendment to empower the U.G.C. in de-recognising the Colleges and the Universities if they fail to maintain the standards and to fulfill the academic norms. The University Grants Commission is, therefore, primarily responsible for the promotion and coordination of the University education and for the determination and maintenance of standards in educational institutions.

At present there are 124 Universities and 5000 colleges in the country. I think this is high time that the U. G. C. should develop a suitable machinery for the determination of the standards of these 124 Universities and 5000 colleges and should give serious thought how to coordinate. I would like to know whether any machinery or any programme has been developed by the U. G. C. for the movement of teachers from one University to another. Sir, I know that the U. G. C. has created a number of teachers fellowships under which teachers can go to various Universities and there may be inter-special mention might be made on adequate. More such schemes should be introduced for further interactions with the Universities. However, to assist these institutions and to maintain the standard the UGC has introduced many important programmes in Universities and Colleges Of these special mention might be made on Universities Leadership Project (ULP), Colleges Science Improvement Programme (COSLD). College Humanities and Social Science Improvement Programme. Faculty Improvement Programme (FIP), by providing opportunities to teachers, including teachers in rural areas, to modernise the courses of study and to keep abrest of modern developments in their field of study and research and

to exchange ideas with experts in similar or related fields. Besides summer institutes, seminars, workshops and teacher fellowships, etc. the UGC has introduced many other schemes for professional competence of teachers with adequate financial support.

Madam despite serious efforts by the U. G. C. to maintain the standard of teaching and qualitative improvements so essential for the proper growth of education, I think that some of the norms have been neglected.

This is due to the unplanned proliferation of education institutions with substandard teachers who are teaching out date courses. This mushroom growth, I mean unplanned and non-viable growth, has created an adverse impact on standards of education as also on the tone and tenor of discipline. Political intervention, to some extent, is responsible for substandard teaching. In university campuses and colleges, the political activities are flourishing and no one can deny that. The politicized teachers are taking the upperhand spending most of the time in politics as they have very little interest in the teaching profession. As a result they become outdated. But in order to be popular amongst the students, they encourage them to get involved in politics. This has not only polluted the academic atmosphere, but has made an adverse effect on the "Academic Community". Sincere and devoted academicians are being harassed.

A few distressing events are also happening in educational institutions. The problem of capitation fees in various professional colleges has been talked about. However, it is gratifying to note that the U. G. C. will take measures if the Bill is amended. In this respect I would like to say that we should whole-heartedly support this amendment without any hesitation. Also, I would request the U.G.C. to help the Universities and Colleges in restoring a clam and peaceful academic atmosphere there so that the really devoted teachers and academicians might work peacefully.

The U. G. C. has initiated an important national programme which deserves special mention and attention of the House.

Taking into consideration available to the sector of higher education and research and the fast escalating cost of technical literature as well as equipment, it was impossible for the U. G. C. to place adequate funds to the disposal of all the institutions of higher education in the country. Thereby, the U. G. C. has identified several departments or specialised groups in those departments in about 70 universities in the country based on assessment reports by the expert teams. The objective is to encourage these departments in carrying out advanced research and teaching keeping in view the excellence of work carried out by the extraordinary and dedicated efforts of the Faculty and the research staff and considering the potential for future development as well as the need for developing viable groups in newly emerging thrust areas. The departments thus identified are designated as "the Centres of Excellence" under the categories (a) Centre of Advanced study (CAS) and (b) Department of special Assistance (DSA). The U.G.C. has been providing 100 per cent financial support for the programmes under CAS and DSA initially for a period of 5 years and subsequently for another ten years if the U.G.C. be satisfied with the critical evaluation of the progress of the Centres. The U. G. C. subsequently passes on the financial liabilities to the State Governmens at the end of 10 or 15 years. Madam, when the programmes were initiated by the U. G. C., these were initiated on tre condition that the State Governments will take over the financial responsibilities and liabilities, i.e., the recurring expenditure only when the U. G. C. will no longer be

[Prof. (Mrs.) Asima Chatterjee]

in the picture after the period committed by them. Several such Centres which have been working excellently are encountering great difficulties and are not able to function efficiently and effectively because of the apathy from Education Ministers in some State Governments.

They do not believe in the Centres of Excellence as appeared in the press reports. And the Centres also face troubles created by the teachers in other sections in the Department as they could not come up to the academic standards as their colleagues in the Centres of Excellence. And what happens is that sometimes the State Governments stop the grants, and as a result of which the academicians run from pillar to the post for the maintenance of the Centres. Therefore, it is the duty of he UGC to see that its academic babies are carefully nurtured and can have proper growth. The UGC should, therefore, provide financial support to the Centres on 100 per cent basis for their development and also maintenance. And this would involve an expenditure of Rs. 4 crores per annum. Already a sum of Rs. 7 crores has been allotted by the Finance Ministry for this purpose. Madam, if the UGC accepts may suggestions and continues to offer sustenance grants, the Centres would survive and would not wither away for lack of support from the State or for any reason whatsoever.

Madam, when education was transferred to the Concurrent List in 1976 as enacted by Parliament, it was welcomed by educationists and teachers' organisation with the hope that the Central initiative in future would bring new dynamism to this area. But the UGC, through which the Centre will function, could not make any breakthrough and give any thrust that would lift the laggard and *uninterested* State Governments because of their of vision and foresight. So far as the governance of the University and the appointment of Vice-Chancellors are concerned,—which question has been raised by the hon. Member, Prof. Ramachandra Rao—we should seriously think about it. The UGC should come in the picture because the future of the university, its development, its standard and reputation will depend upon the vision and the capabilities of the Vice-Chancellor and his impartial and liberal views. And the Vice-Chancellor must have academic-cum-administrative excellence. Over and above all, he must be a non-political person. And then and then only, I thing the vision and the dreams of the UGC will be realised.

Thank you.

SHRI SANKAR PRASAD MITRA: Madam, Vice-Chairman, the two main purposes of this legislation have already been explained by the hon. Minister. We all know that there are now 124 universities in this country, some big and some small. But out of these 124 universities, it is also known that some of them are not universities in the strict sense of the term. They are glorified colleges. And from that point of view, in my humble opinion, Clause 2 of this Bill deserves every support.

A little while ago, I was reading a news item in the "National Herald" of this morning. This is an item of Bhopal, July 31. And it says—I quote:

> "A decision has been taken to introduce Honours courses up to graduate level in all universities of Madhya Pradesh. Besides the courses, examination reforms recommended by the UGC will also be introduced. . . "

"These decisions were taken at a meeting of the Vice-Chancellors of all universities in the State held recently at Sagar. The Education Secretary, Ashok Vajpayee, also attended this meeting". If this news item be correct it appears that there are universities in the State of Madhya Pradesh which do not have today

ven honours courses at the graduate vel and they call themselves univer- ties. In this context, to my mind, lause 2 of this Bill is a well conceived easure. In connection with clause I would like to mention two other ubjects to which references have een made both by Professor Rao and Professor Asima Chatterjee, who certainly in this House have the uthority to speak on this subject. One of the State Governments in this ountry was against, or was under s me doubt about centres of excel- lence. That State Government had constituted a committee with an eminent educationist and an econo- mist as the Chairman and the Com- mittee has submitted its reports a few months ago. The committee has recommended that at least five or six colleges in that State should be given the status of autonomous colleges. The Committee has cited as instances centres of excellence not only in democratic or capitalist countries but also in communist countries. The atmosphere of discouragement to centres of excellence that is now being sought to be created must be fought and fought vigorously at the Central level. Otherwise, the future of higher education in this country appears to be dark. The second point I intend to mention in this connection is that the hon. the Education Minister had spoken at one stage during the last session of Parliament in the Lok sabha about a comprehensive Bill on universities. I shall be extremely grateful if she would be good enough to enlighten us on her proposed com- prehensive Bill because Professor Rao has spoken of an unpleasant situation which has arisen in Andhra Pradesh with regard to the appoint- ment of a Vice-Chancellor.

A still more unpleasant situation has occurred in another State with regard to two vice-chancellors followed by a Bill by the State Legislative Assembly, to take away powers of the Chancellor in the University Act; but the Billl has been reserved for consi- deration of the President of India for his assent. The State Govern- ment has decided upon boycotting the Governor altogether with the result that a constitutional crisis is about to be created. In a situation like this, I hope the hon. Education Minister would seriously consider what the future of universities in this country is going to be, because un- pleasant incidents have already taken place in 2 of the States in India and more unpleasant incidents are likely to take place in future. I do hope in her final reply to the debate, she would be kind enough to enlighten this House. With respect to capitation grants, I notice in this Bill stringent provisions sought to be introduced to stop capitation fees. But Prof Rao is right in saying that detection of the offence contemplated would be difficult in practical field. So far as this Bill is concerned, in clause 3 12A(4) a provision has been made for an inquiry and the procedure for the inquiry is to be provided by regulations. In other words this inquiry is the subject matter of de- legated legislation and until the re- gulations are framed and available to us, it is not possible for any Member of the House to express an opinion as to how far this Bill would succeed in effectively checking this menace. I would respectfully submit to the hon. Education Minister that in trying to be stringent which she is justified to in doing, she has introduced certain measures which appear to be a little too harsh. I can understand a pro vision that a college taking capitation fee would be disaffiliated.

I can understand that this disaffi- liation would lost for a specified period. But the Bill provides further in clause 3, which seeks to insert a new section 12 A, sub-section (4) that a prohibitory order may be passed preventing the colleges from presen- ting students then undergoing such course of study, from appearing at the examinations. Capitation fee, in the vast majority of cases, would be paid not by the students but by the

[Shri Sankar Prasad Mitra]

parents or the guardians of the students on the insistence or invitation of the authorities of the college concerned. Therefore, the two principal offenders would be the parents or the guardians on the one hand and the authorities of the college on the other. The student has managed to get admission. He has completed his course. He is about to appear at the examination. But by virtue of this prohibitory order, his future may be ruined altogether. Because the next provision which has been made is 'The Commission may take all such steps as it may consider appropriate for safeguarding the interests of the students concerned.' These are provisions vague and indefinite. What steps would be considered to be appropriate, under what circumstances, I do not know. But kindly approach the matter from a humanitarian and pragmatic point of view and see that at least the future of the student concerned is not ruined by reason of the crime or offence principally committed by somebody else. But generally speaking, we are all opposed to capitation fee and I am indeed glad that the Centre is taking or at least trying to take some effective measures to stop this malpractice as far as possible.

With these words, I lend my support to the Bll.

श्री हयातुल्ला अन्सारी (नामं-निर्देशित) : जनाब, वाइस चेयरमैन साहिबा, इस बिल के बारे में मेम्बारन ने और चीजों पर तो जोर दिया ही है, लेकिन सबसे ज्यादा जोर केपिटेशन फीं पर दिया । केपिटेशन फी का मतलब यह है कि केपिटेशन फी के जरिए कालेजों के अन्दर सेकेन्ड रेट स्टूडेन्ट्स दाखिला पा जाते हैं और पढ़ते हैं और इस तरह से डाक्टर बन बाहर निकलते हैं । सेकन्ड रेट लोग फर्स्ट रेट बनकर निकलते हैं । उसके बाद हमारा इलाज करते हैं । जब तक दो चार केसेज खराब नहीं हो जाते हैं, दो चार लोग मर नही जाते हैं उनकी प्रेक्टिस चलती रहती है । यह बात एलोपेथी के छ या सात कालेजों के बारे में है । लेकिन मैं आपके सामने चार सौ या पांच सौ ऐसे होम्योपेथिक कालेजों का जिक्र करना चाहता हूं जो न तो रिकगनाइण्ड है और न ही उनको चलाने की इजाजत है, लेकिन फिर भी धड़ल्ले से चल रहे हैं । उनमें हर साल चार सौ या पांच सौ होम्योपेथी के डाक्टर निकलते हैं । और वे आकार बैठते हैं, इलाज करते हैं । लेकिन अफसोस की बात है कि गवर्नमेन्ट ने नोटिस नहीं लिया । एलोपैथिक, होम्योपेथिक, यूनानी और आयुर्वेदिक ये नाम थे लेकिन एक नया नाम निकला है इलेक्ट्रो-होम्योपेथी । उसके उसूल भी वही हैं, इलाज भी वही है, और चीजें भी वही हैं लेकिन नाम बदल दिया है । नाम बदल कर बोर्ड बनाया है और इसके सेन्टर कानपुर में भी है और कितने ही और हैं और इनके चार सौ, पांच सौ कालेज हिन्दुस्तान में चल रहे हैं । दो-तीन साल पढ़ाई होती है और इनको डिग्री दे दी जाती है और पढ़कर निकलने के बाद ये प्रेक्टिस करते है, दवाइयें यहीं तैयार होती है । मालूम नही वे कहां तक ठीक होती है और कहां तक खराब होती है । तो यह राकेट पूरे हिन्दुस्तान में चल रहा है । अगर इस पर कन्ट्रोल नहीं किया जाता तो हिन्दुस्तान में हम लोगों की सेहत पर असर पड़ेगा । ये लोगों की सेहत के साथ खिलवाड़ कर रहे हैं और सब को नुक्सान पहुंचा रहे हैं । असल चीज जो मैं आपके सामने लाना चाहता हूं कि 6–7 कालेज आप एलोपेथी के बन्द कर दें तो कोई बड़ी चीज नही होगी । कन्ट्रोल कर देंगे, बंद कर देंगे कोई नुक्सान नहीं होगा । लेकिन जो यह चार सौ, पांच सौ इलेक्ट्रो-होम्योपेथी के कालेज चल रहे हैं, इनको भी आपको देखना है, स्टेंडर्डाइज करना

है । चाहे तो आप होम्योपैथिक बोर्ड के अन्दर इसको ले लीजिये और इसको बदला जाये । ये लोग वहां पढ़ते हैं और हमारे शहरों और देहातों में जा रहे हैं और वहां लोगों को पढ़ाते हैं और उनके द्वारा जो थर्ड ग्रेड होम्योपैथिक है वे आकर प्रेक्टिस करने लगते है और इनकी आमदनी 400, 500 रुपये महावार हो जाती है । उन लोगों को डिग्री जल्दी भी दी जाती है । तीन साल का कोर्स होता है लेकिन डेढ़ साल बाद, दो साल बाद भी उनको डिग्री दे देते हैं । यह राकेट जो देश में चल रहा है यह लोगों की सेहत के साथ खिलवाड़ कर रहा है मैं चाहता हूं कि गवर्नमेन्ट इस ओर ध्यान दे ।

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Two of the Members were to speak but they are not in the House, Yes, Madam Minister.

SHRIMATI SHEILA KAUL: There are so many others who have spoken and gone away. Madam Vice-Chairman, I am really in a fix, do not know whether I should reply to the hon. Members who are not present. I do not know the procedure and I want your help.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): If you reply, it will be on record.

DR. (SHRIMATI) NAJMA HEPTULLA: They were not interested to hear your reply. They only make complaints and then go away.

SHRI SANKAR PRASAD MITRA: I think the hon. Minister should reply to all the points. to as many points as possible. Whether the Member is present or not it is immaterial but the hon. Minister should reply to all the points, we should know what your policy is.

SHRIMATI SHEILA KAUL: The hon. Members who have put direct questions, I believe, should have been present.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): We want to know all the points.

THE VCE-CHAIRMAN (SHRIMATI MARGARET ALVA): Let there not be another on this.

श्री हयातुल्ला अंसारी : इलेक्ट्रो-होम्योपैथी के नाम से 400-500 कालेज देश में चल रहे हैं और डिग्री दे रहे हैं डेढ़ साल में, दो साल में । ऐसे होम्योपैथिक हिन्दुस्तान में प्रेक्टिस कर रहे हैं बस सब स्टैंडर्ड आ रहे हैं और वे दवा भी दे रहे हैं ।

उपसभाध्यक्ष (श्रीमती मार्गेट आल्वा): आप बैठिये, वे रिप्लाई कर रही है ।

SHRIMATI SHEILA KAUL: Well, I am very grateful to the hon. Members who have participated in this discussion and taken such great interest. Some Members have expressed some reservations about the Bill, but more or less the Bill has been welcomed and I am very much pleased about that because it was a Bill, it was a requirement, that was pending for a long time and the wishes were that the Bill should be brought about so that we could ease the situation for such parents as are facing such inconveniences.

Shri Quasem had some doubt the UGC being armed with these additional powers when the commission's functioning had never been reviewed. I would like to inform the hon. Member that the functioning of the UGC was comprehensively reviewed by a committee which was headed by Shri V. S. Jha its Chairman and it submitted its report in 1977. This report was placed before Parliament as well. He also mentioned that

(Smt. Sheila Kaul)

there was no representation of teachers' organisations in the UGC. I would like to inform him that the membership of the Commission is drawn largely from academicians and teaching community.

Shri John expressed some reservations that the Bill only seeks to regulate fees and it does not ban collection of capitation fees. He enquired whether the UGC could initiate action *suo moto* against any private management which collected capitation fees. I had mentioned, and I would like to Remind him, that only penalaction against an erring management can be taken only within the framework of our legal system. We do hope that once the type and scale of fees are laid down under this law, no management could demand any other fee from the students. If it is established within the legal framework that any management has demanded and collected fees over and above those prescribed under the regulations, the penalty proposed is disaffiliation of the college. The Commission can initiate the action on its own or on being informed by anybody. Shri John also mentioned that the UGC is too much centralised and it does not maintain the list of universities and colleges. Here I would like to inform him that the annual Report of the UGC is presented to the House every year and if the Member takes the trouble of going through that report, he will find the names of the universities in the country mentioned in the appendix to that report. As far the colleges, the Commission does compile the list of colleges recognised by it under section 2(f) of the UGC Act and copies of the list prepared by the Commission for 1982 are available in the Parliament Library for reference

Shri Jaichandra Singh wanted to know whether in the matter of establishing common facilities, the universities would be grouped State-wise or whether such grouping could cut across State barriers. As I explained, the intention is not to establish common facilities for all the universities in a State. Our intention is that in particular areas and fields, certain facilities should be available and be share by all the universities, if possible or at least by a group of universities. These universities could be grouped from different States, depending upon their area of specialisation and interest.

Professor Ramachandra Rao has referred to the recommendations of the Gajendragadkar Committee. I am thankful to him and would like to assure him that these recommendations would continue to guide our thinking on the state of universities and their governance.

It is difficult for the Central Government or the UGC to envisage in abstract terms the different conditions that might be there in the backward areas and hill areas. So, it is desirable to make a provision to meet actual situation that may come to light in due course. It was asked how we could charge the same type of fees when we do not know the conditions. When we come to know the conditions there has to be a little variation and that is why this has been done.

Shri Rao also mentioned about the hardship that might be caused to students if a college is disaffiliated. We have considered this matter carefully. The provision that we have proposed is disaffiliation only for a particular course of study for which fees are charged in violation of the regulation. There is also provision in the Bill for the Commission to take necessary steps to safeguard the interests of students who may be affected by such disaffiliation by helping them to find places in other colleges, if necessary.

Shri Jaswant Singh raised reservations about retrospective effect being given to rules. I can't assure him,

but I just want to say that the provisions also make it clear that such retrospective effect will not prejudicially affect the interests of any person.

Professor Lakshamanna mentioned about elaborate procedures laid down for affiliation of colleges. The Bill that we are just now discussing does not interfere with the procedures, nor does it take away the right of a university to grant affiliation to a college. What is provided there is derecognition of a college or a course of study, as I mentioned before, if there is a violation of the regulation on fees. Even this contingency will not arise if the university takes into account the provisions of the Bill and ensures that no college affiliated to it violates them. In that case there would be an inquiry and, in fact, no imposition of any decision on the university.

Professor Lakshmanna also mentioned about the national tests. We want to have coordination in standards, we want to maintain standards of teaching and research in higher education. And we feel it is a Central responsibility, and the UGC has been set up to discharge this responsibility. Therefore, in order to maintain standards of research, the Commission is taking various steps like increasing the amount of fellowships to attract talented scholars and improve the research facilities and supervision. The Commission is taking one of the tests on the advice of various research bodies in the country and academics in the universities including the Vice-Chancellors, about 89 of whom assembled here in Delhi towards the end of June to administer a qualifying test for a junior research fellowship. The fellowship will still be awarded by the universities out of the UGC funds, but only to those candidates who score certain minimum marks in the national test. This is not taking away the freedom of the universities but only ensuring high quality of those who undertake research and, through it, offer help in solving national problems.

श्री हुक्मदेव नारायण यादव जी भी इस विषय पर बोले थे, लेकिन उन्होंने जो जिक्र किया, वह ज्यादा अपने प्रांत का ही किया और उन्होंने यह भी कहा कि वह समझते हैं कि वह बात जो कह रहे हैं, वह उन्हीं के स्टेट की है और इस वजह से--लेकिन मैं यह समझती थी कि वह इसलिए बता रहे थे कि उनकी वहां की समस्याएं क्या हैं, जोकि हमलोगों को तो मालूम होनी चाहिएं । यही उनका नजरिया था जोकि उन्होंने यहां कहा और मुझे यह सुन कर जरा अच्छा नहीं लगा कि वहां इस तरीके से हो रहा है जिससे कि लोगों को पढ़ाई में परेशानी हो रही है और जो काम है, जैसे कि वह कहते हैं, वैसे नहीं हो रहा है, यह मैं उनसे समझती थी ।

यह बात है जो उन्होंने कही है, लेकिन इस बिल के विषय में उन्होंने कोई खास अपनी बात नहीं कही । अगर कोई खास बात जानना चाहते हों, तो फिर मुझ से पूछ लें ।

श्री हुक्मदेव नारायण यादव : दस हजार जो हमसे घूस मांगी गई, उसको कोई इन्साफ मिलेगा कि नहीं ?

श्रीमती शीला कौल : देखिये, वह तो आपकी स्टेट का मामला है । वह तो यहां का मामला नहीं है । अब आप तो पार्लियामेंट के मेम्बर हैं आप एम० एल० ए० तो हैं नहीं । एम० एल० ए० होते, तो वहां पूछते । आप तो यहां आ गये हैं, इसलिए आप यहां की बात पूछिये ।

एक माननीय सदस्य : आपकी प्रोमोशन हो गई है ।

श्री कल्याण राय : अब दस हजार से नहीं दस लाख से काम चलेगा। . . . (व्यवधान)

श्रीमती शीला कौल : श्री साहू जी ने पूछा था कि मैन-पावर रेक्वायरमेंट की असेसमेंट हुई है कि नहीं हुई है ? हमारे कालेजेज वगैरह जो हैं, वह किस अंदाज से बनाये जाते हैं खोले जाते हैं ? तो मैं यह बताना चाहती हूं कि सरकार जो है वह हमारा ध्यान इस बात पर जा रहा है और हम चाहते हैं कि जहां जरूरत हो उतने ही लोगों के लिए कालेजेज बनें, उतने ही लोग दाखिल हों। यह बात सही है, जो उन्होंने कहा कि जैसे यू० एस० एस० आर० मुल्क है या और ऐसे मुल्क हैं, उनमें ऐसा होता है कि कि उन्हीं बच्चों को दाखिल किया जाता है, जिनको निकलने के बाद एकदम से नौकरी मिलती है। यह अभी चैकोस्लोवाकिया में भी यही बात है कि वहां वही बच्चे दाखिल किये जाएंगे, जिनके लिए कि आगे चल कर जरूरत होगी फैक्टरी में दाखिल करने की या युनिवर्सटी में दाखिल करने की, या उसके बाद जैसे ही निकलेंगे, वैसे ही उनको नौकरी मिलेगी, जैसे साहू जी ने कहा कि कालेज में पढ़ने के बाद उनके साथ में नौकरी की चिट्ठी दे दी जाती है। तो यह आइडिया बहुत अच्छा है और कुछ ऐसे मुल्कों में जहां कि यह तरीका चलता है, ठीक है, अच्छा है और होना चाहिए। लेकिन हमारा देश जो है, वह बहुत बड़ा है उसमें अब हम जो कोशिश कर रहे हैं कि सभी पढ़ें, सभी लिखें, हम वोकेशनलाइज़ेशन की तरफ जा रहे हैं कि कुछ लोग जो कि काम करना चाहते हैं, वह हाइर एजुकेशन की तरफ अगर उनकी रुची नहीं है, तो न जाएं, वह काम ही करें।

तो हमारा जो नजरीया है, वह और तरीके का है, और ढंग का है। He wanted to know about the manpower requirement and its assessment. There was a working group set up in 1979 which had indicated that no additional manpower was required till about 1990 and only adjustment of existing facilities could be made. Then in 1981 a review was taken by the All-India Council of Technical Education which recommended selective expansion in new emerging areas, in backward areas, etc. The mushroom growth is too much because according to the manpower requirements everybody cannot get a job.

Then, Prof. Chatterjee and Justice Mitra have made their suggestions. Prof. Chatterjee has given us some very good suggestions because she has been involved in a very meaningful manner on the UGC. and her suggestions are most welcome. Justice Mitra also, being a very experienced hand, mentioned that I had said that I would bring a comprehensive Bill. Well, as I mentioned before, there was a conference of the Vice-Chancellors in Delhi about a few weeks ago. And after that we had a conference of the Education Secretaries followed by a conference of the Education Ministers where we have discussed very minutely also the problems of the universities, of the standards of education and all that refers to education. And I would like to assure you that we are taking a very keen interest in the development of education programme. And when we will finish with the exercise, we shall do something in regard to what we are contemplating.

Shri Hayat Ulla Ansari mentioned about four colleges.

आपने फर्माया है कि चार कालेज हैं। वे दवाइयां बनाते है।

श्री हयातुल्ला अंसारी : चार सौ पहले हैं।

श्रीमती शीला कौल : चार सौ कालेजेज हैं ? उनका स्टैंडर्ड नहीं ठीक है।

श्री हयातुल्ला अंसारी : अन-आथोराइज्ड हैं। उनको देखना है या सम्भालना है स्टन्डर्डाइज्ड करना है। नए कालेजज़ हैं। कुछ दवाएं बनाती हैं।

श्रीमती शीला कौल : आपका सुझाव अच्छा है, क्योंकि यह दवाइयों की बात आप कर रहे हैं।

श्री हयातुल्ला अन्सारी : दवाइयां ही बनाते हैं।

श्रीमती शीला कौल : नहीं हम तो इंजीनियर्ज बनाते हैं।

श्री हयातुल्ला अन्सारी : डा० बनाने की मैं कह रहा हूं। एजुकेशन में आता है।

श्रीमती शीला कौल : यह दवाई बनाने वाली तो जो मिनिस्ट्री आफ हेल्थ है वह तो उस पर बहस कल हो चुकी है।

श्री हयातुल्ला अन्सारी : एजुकेशन का बताया। इसमें आता है।

श्रीमती शीला कौल : शिक्षा से उसका कोई ताल्लुक नही है। हमारी शिक्षा से सम्बन्ध होना चाहिए।... **(व्यवधान)**

तो मैं आप सब की बहुत आभारी हूं कि आपने इतना टाइम दिया इस बिल के ऊपर क्योंकि यह बिल जो था इसको टाइम तो कम था लेकिन आप लोगों ने इतना टाइम दिया और मुझे इससे ज्यादा फायदा मिला, आपने जो बहस की, लेकिन एक बात है, समझ में नहीं आया कि जो साहब यहां बैठे थे वह क्या कह रहे थे, मुझे समझ नही आया कि वह क्या कह रहे थे। मैं तो खाली सुनती रह गई। बाहर होंगे तो उनसे पूछूंगी।

आप सब का बहुत-बहुत शुक्रिया।

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): I shall put the motion moved by Shrimati Sheila Kaul to vote.

The question is:

"That the Bill further to amend the University Grants Commission Act, 1956, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3 (Insertion of new section 12A)

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): There are two amendments. Do you move the amendments ?

SHRI S. W. DHABE (Maharashtra): I move the amendments. I move:

"That at page 3, after line 6 the following be *inserted*, namely:—

(1) *Explanation.*—For the purpose of this proviso, fees do not include capitation fees or other unreasonable and exorbitant amounts charged as fees or in the form of donation."

I also move:

"That at page 3, *after* line 25 the following be *inserted*, namely:—

(2) Provided the Commission shall have powers to pass interim orders prohibiting such college from presenting any student for the award of the qualification if there is a *prima facie* proof of contravention of the provisions of sub-section (3)."

The questions were proposed.

SHRI S. W. DHABE: Madam, Vice-Chairman, under the rules, I have moved an amendment at page 3 after line 6 in Section 12A Sub clause 2, that this Clause will not include capitation fee or any other fees in the name of fees or unreasonable and exorbitant amounts charged as fees except the tution and academic fees. Madam, if the objective is to abolish the capitation fee and not to regulate it then the words used in this Clause should not include either "capitation fee or exorbitant or unreasonable fee" Madam, the Government of Andhra Pradesh had passed an ordinance abolishing the capitation fee. While the Government of Karnataka wants to regulate it by providing some deposits. Therefore I think the objective of the Hon'ble Minister is to prohibit the capitation fee and not to allow it. The charging of fee or regulation of the Bill means that it may also regulate the capitation fee and it may also charge some capitation fee. Madam, in my State the engineering colleges are charging Rs. 6,000/- fee and the medical colleges are charging Rs. 30,000. This is nothing but capitation or exorbitant fee. Therefore, when you used the word 'regulating fee' under Section 12A Sub-Clause 2 at the bottom, regulate it and not prohibit it, unless the expenditure is added to it. The matter in respect of which fee may be charged the word "fee" was specifically meant that the Government will not get the power to regulate the capitation fee. That is the object of my amendment to this Clause.

Madam, I am moving the second amendment to Sub-Clause 4 of Section 12A.

It takes a longer time to enquire into the matter. It will not serve any purpose. It is going to take one or two years. Therefore my amendment is that interim power be given to the commission. In case of *prima facie* case and when there is laying of capitation fee interim power should be vested with the commission so that capitation fee is not charged.

That is the objective. The Minister should reply to my amendments.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): The Minister will reply at the end

SHRI S. W. DHABE: No, she must reply now.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Would you like to reply to these amendments.

SHRIMATI SHEILA KAUL: This is against the natural justice and I do not agree.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Now I am putting Mr. Dhabe's amendments to vote The question is:

1. "That at page 3, *after* line 6 the following be *inserted*, namely -

Explanation.—For the purposes of this proviso. fees do not include capitation fees or other unreasonable and exorbitant amounts charged as fees or in the form of donation."

The motion was negatived.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): The question is :

2. "That at page 3, *after* line 25 the following be *inserted*, namely:—

> Provided the Commission shall have powers to pass interim orders prohibiting such college from presenting any student for the award of the qualification if there is a *prima facie* proof of contravention of the provisions of sub-section (3)."

The motion was negatived.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Now, the question is :

That clause 3 stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 9 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SHEILA KAUL: I move:

"That the Bill be passed."

The question was proposed.

SHRI S W. DHABE: Madam, she has not replied. You said she would reply at the end.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): She has said that she has nothing to add. You cannot force her to speak every time.

SHRI K. MOHANAN (Kerala): We want a reply now.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): The Minister has said she is not accepting the amendments and she has nothing to add.

SHRIMATI SHEILA KAUL: I have nothing to add. I do not accept it.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): She has said it earlier. Now the question is :

That the Bill be passed.

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We now go on to the Industrial Disputes (Amendment) Bill, 1984.

THE INDUSTRIAL DISPUTES (AMENDMENT) BILL 1984.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI DHARMAVIR): Madam Vice-Chairman, I beg to move

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Lok Sabha, be taken into consideration."

Madam, the amendments proposed in the Bill to the provisions relating to lay-off and retrenchment, section 25M and section 25N of the Industrial Disputes Act, 1947, are on the same lines as the amended provisions relating to closure which was inserted by the Industrial Disputes (Amendment) Act, 1982. These amendments relating to closure were at the time incorporated taking into consideration the observations of the Supreme Court in the Excel wear case. These amendments have become necessary because certain High Courts have declared invalid the special provisions relating to lay-off and retrenchment contained in the Act. We have preferred appeals in the Supreme Court against the decisions of the High Courts. However, as there is a vacuum making it difficult to deal effectively with cases of lay-off and retrenchment, it is desirable that amendments to the relevant provisions should be made taking into consideration the Supreme Court decision in the Excel Were case. This should enable the Government to protect the interests of workmen against arbitrary lay-off or retrenchment. At the same time, provision is being made that the appropriate Government can review the orders on its own motion or on the receipt of applications from the affected party or can refer the matter to a tribunal for adjudication, and the tribunal has to pass an order on such reference within 30 days. This will ensure speedy disposal of the matters relating to lay-off and retrenchment referred to tribunals for adjudication.

We are also amending section 2(OO) of the Industrial Disputes Act relating to retrenchment so as to cover cases of termination of services of workmen as a result of non-renewal of the contract of employment or in accordance with the stipulation in the contract. This has become necessary because of the difficulties in the interpretation of the expression "retrenchment". As you are aware, the Industrial Disputes (Amendment) Act, 1982, was passed by Parliament in August,